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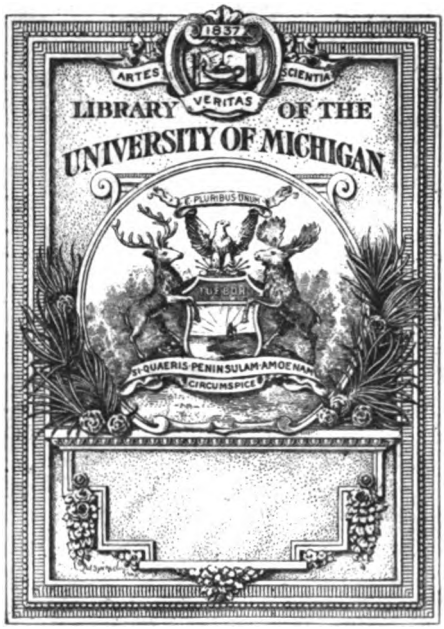

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61ST CONGRESS : : 3D SESSION

DECEMBER 5, 1910-MARCH 4, 1911

SENATE DOCUMENTS

VOL. 21

WASHINGTON : : GOVERNMENT PRINTING OFFICE : : 1911

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61ST CONGRESS } SENATE { DOCUMENT
3d Session } { No. 758

REPORTS OF THE IMMIGRATION COMMISSION

IMMIGRATION LEGISLATION

1. FEDERAL IMMIGRATION LEGISLATION
2. DIGEST OF IMMIGRATION DECISIONS
3. STEERAGE LEGISLATION, 1819-1908
4. STATE IMMIGRATION AND ALIEN LAWS

PRESENTED BY MR. DILLINGHAM

DECEMBER 5, 1910.—Referred to the Committee on Immigration and ordered to be printed, with illustrations

WASHINGTON
GOVERNMENT PRINTING OFFICE
1911

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THE IMMIGRATION COMMISSION.

Senator WILLIAM P. DILLINGHAM, *Chairman.*
Senator HENRY CABOT LODGE.
Senator ASBURY C. LATIMER.[a]
Senator ANSELM J. MCLAURIN.[b]
Senator LE ROY PERCY.[c]

Representative BENJAMIN F. HOWELL.
Representative WILLIAM S. BENNET.
Representative JOHN L. BURNETT.
Mr. CHARLES P. NEILL.
Mr. JEREMIAH W. JENKS.
Mr. WILLIAM R. WHEELER.

Secretaries:
MORTON E. CRANE. W. W. HUSBAND.
C. S. ATKINSON.

Chief Statistician:
FRED C. CROXTON.

Extract from act of Congress of February 20, 1907, creating and defining the duties of the Immigration Commission.

That a commission is hereby created, consisting of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and three persons to be appointed by the President of the United States. Said commission shall make full inquiry, examination, and investigation, by subcommittee or otherwise, into the subject of immigration. For the purpose of said inquiry, examination, and investigation said commission is authorized to send for persons and papers, make all necessary travel, either in the United States or any foreign country, and, through the chairman of the commission or any member thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the subject, and to employ necessary clerical and other assistance. Said commission shall report to Congress the conclusions reached by it and make such recommendations as in its judgment may seem proper. Such sums of money as may be necessary for the said inquiry, examination, and investigation are hereby appropriated and authorized to be paid out of the "immigrant fund" on the certificate of the chairman of said commission, including all expenses of the commissioners, and a reasonable compensation, to be fixed by the President of the United States, for those members of the commission who are not Members of Congress; * * *

[a] Died February 20, 1908.
[b] Appointed to succeed Mr. Latimer February 25, 1908. Died December 22, 1909.
[c] Appointed to succeed Mr. McLaurin March 16, 1910.

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LIST OF REPORTS OF THE IMMIGRATION COMMISSION.

Volumes 1 and 2. Abstracts of Reports of the Immigration Commission, with Conclusions and Recommendations and Views of the Minority. (These volumes include the Commission's complete reports on the following subjects: Immigration Conditions in Hawaii; Immigration and Insanity; Immigrants in Charity Hospitals; Alien Seamen and Stowaways; Contract Labor and Induced and Assisted Immigration; The Greek Padrone System in the United States; Peonage.) (S. Doc. No. 747, 61st Cong., 3d sess.)

Volume 3. Statistical Review of Immigration, 1819–1910—Distribution of Immigrants, 1850–1900. (S. Doc. No. 756, 61st Cong., 3d sess.)

Volume 4. Emigration Conditions in Europe. (S. Doc. No. 748, 61st Cong., 3d sess.)

Volume 5. Dictionary of Races or Peoples. (S. Doc. No. 662, 61st Cong., 3d sess.)

Volumes 6 and 7. Immigrants in Industries: Pt. 1, Bituminous Coal Mining. (S. Doc. No. 633, 61st Cong., 2d sess.)

Volumes 8 and 9. Immigrants in Industries: Pt. 2, Iron and Steel Manufacturing. (S. Doc. No. 633, 61st Cong., 2d sess.)

Volume 10. Immigrants in Industries: Pt. 3, Cotton Goods Manufacturing in the North Atlantic States—Pt. 4, Woolen and Worsted Goods Manufacturing. (S. Doc. No. 633, 61st Cong., 2d sess.)

Volume 11. Immigrants in Industries: Pt. 5, Silk Goods Manufacturing and Dyeing—Pt. 6, Clothing Manufacturing—Pt. 7, Collar, Cuff, and Shirt Manufacturing. (S. Doc. No. 633, 61st Cong., 2d sess.)

Volume 12. Immigrants in Industries: Pt. 8, Leather Manufacturing—Pt. 9, Boot and Shoe Manufacturing—Pt. 10, Glove Manufacturing. (S. Doc. No. 633, 61st Cong., 2d sess.)

Volume 13. Immigrants in Industries: Pt. 11, Slaughtering and Meat Packing. (S. Doc. No. 633, 61st Cong., 2d sess.)

Volume 14. Immigrants in Industries: Pt. 12, Glass Manufacturing—Pt. 13, Agricultural Implement and Vehicle Manufacturing. (S. Doc. No. 633, 61st Cong., 2d sess.)

Volume 15. Immigrants in Industries: Pt. 14, Cigar and Tobacco Manufacturing—Pt. 15, Furniture Manufacturing—Pt. 16, Sugar Refining. (S. Doc. No. 633, 61st Cong., 2d sess.)

Volume 16. Immigrants in Industries: Pt. 17, Copper Mining and Smelting—Pt. 18, Iron Ore Mining—Pt. 19, Anthracite Coal Mining—Pt. 20, Oil Refining. (S. Doc. No. 633, 61st Cong., 2d sess.)

Volume 17. Immigrants in Industries: Pt. 21, Diversified Industries, Vol. I. (S. Doc. No. 633, 61st Cong., 2d sess.)

Volume 18. Immigrants in Industries: Pt. 21, Diversified Industries, Vol. II—Pt. 22, The Floating Immigrant Labor Supply. (S. Doc. No. 633, 61st Cong., 2d sess.)

Volumes 19 and 20. Immigrants in Industries: Pt. 23, Summary Report on Immigrants in Manufacturing and Mining. (S. Doc. No. 633, 61st Cong., 2d sess.)

Volumes 21 and 22. Immigrants in Industries: Pt. 24, Recent Immigrants in Agriculture. (S. Doc. No. 633, 61st Cong., 2d sess.)

Volumes 23–25. Immigrants in Industries: Pt. 25, Japanese and Other Immigrant Races in the Pacific Coast and Rocky Mountain States. (S. Doc. No. 633, 61st Cong., 2d sess.)

Volumes 26 and 27. Immigrants in Cities. (S. Doc. No. 338, 61st Cong., 2d sess.)

Volume 28. Occupations of the First and Second Generations of Immigrants in the United States—Fecundity of Immigrant Women. (S. Doc. No. 282, 61st Cong., 2d sess.)

Volumes 29–33. The Children of Immigrants in Schools. (S. Doc. No. 749, 61st Cong., 3d sess.)

Volumes 34 and 35. Immigrants as Charity Seekers. (S. Doc. No. 665, 61st Cong., 3d sess.)

Volume 36. Immigration and Crime. (S. Doc. No. 750, 61st Cong., 3d sess.)

Volume 37. Steerage Conditions—Importation and Harboring of Women for Immoral Purposes—Immigrant Homes and Aid Societies—Immigrant Banks. (S. Doc. No. 753, 61st Cong., 3d sess.)

Volume 38. Changes in Bodily Form of Descendants of Immigrants. (S. Doc. No. 208, 61st Cong., 2d sess.)

Volume 39. Federal Immigration Legislation—Digest of Immigration Decisions—Steerage Legislation, 1819–1908—State Immigration and Alien Laws. (S. Doc. No. 758, 61st Cong., 3d sess.)

Volume 40. The Immigration Situation in Other Countries: Canada—Australia—New Zealand—Argentina—Brazil. (S. Doc. No. 761, 61st Cong., 3d sess.)

Volume 41. Statements and Recommendations Submitted by Societies and Organizations Interested in the Subject of Immigration. (S. Doc. No. 764, 61st Cong., 3d sess.)

Volume 42. Index of Reports of the Immigration Commission. (S. Doc. No. 785, 61st Cong., 3d sess.)

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FEDERAL IMMIGRATION LEGISLATION.

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LETTER OF TRANSMITTAL.

THE IMMIGRATION COMMISSION,
Washington, D. C., December 5, 1910.

To the Sixty-first Congress:

I have the honor to transmit herewith, on behalf of the Immigration Commission, a report entitled "Federal Immigration Legislation," which was prepared under the direction of the Commission by Frank L. Shaw, special agent.

Respectfully,

WILLIAM P. DILLINGHAM,
Chairman.

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FEDERAL IMMIGRATION LEGISLATION.

CHAPTER I.

EARLIER PERIOD.

(Colonial times to 1835.)

Little can be said about the sentiment toward immigration during the colonial period, for in reality there were no immigrants until colonization ceased. Those who came first and helped to build and establish the State were colonists, and the term "immigrants" is usually applied to those who came later and helped to develop the new nation. The question was considered in the Declaration of Independence in the following terms:

He [the King of Great Britain] has endeavored to prevent the population of these States; for that purpose obstructing the laws of naturalization of the foreigners, refusing to pass others to encourage their migration hither, raising the conditions of new appropriations of land.

Following is the only direct reference in the Constitution to the subject of immigration:

The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.[a]

At the time it was intended, apparently, to apply only to the importation of slaves. Later, however, when the question became acute whether the National Government or the state government was intrusted with the control of immigration, this clause was interpreted by the Supreme Court of the United States to mean that, for a period of 10 years, the power to regulate immigration was given to the States, an exception to the general power to regulate commerce expressly assigned to Congress.[b]

In the discussions of the Federal Convention the question of immigration was frequently considered. Madison, in seconding an amendment requiring merely "citizenship and inhabitancy" as a requisite qualification for the House of Representatives, gave a fair idea of the general feeling of the time, according to the record:[c]

He [Madison] wished to invite foreigners of merit and republican principles among us. America was indebted to emigration for her settlement and prosperity. That part of America which had encouraged them most had advanced most rapidly in population, agriculture, and the arts.

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[a] Article I, section 9, clause 1.
[b] Mr. Justice McKinley's opinion (7 How., 283).
[c] Elliott's Debates of the Federal Convention, vol. 5, p. 411.

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In the power to establish a uniform rule of naturalization the framers of the Constitution thought rested whatever safeguard against the foreigner and foreign influence was necessary. The first naturalization law, passed in 1790, was moderate in its demands. A residence of only 2 years was required. In 1795 it was increased to 5 years and in 1798 to 14 years. This law of 1798 was partly due to a slight feeling against alien influence and a fear that it would increase. It was thought to be unsafe to invest the newcomer so early in his career with all the rights of the native. The law was repealed in 1801, and the length of residence required for naturalization reduced to 5 years.

THE ALIEN AND SEDITION ACT.[a]

This act, though prompted by a certain sentiment against aliens, was a measure through which the Federal Party hoped to establish themselves in power by disorganizing the opposition party, which had a readier support at the polls from the oppressed of other countries, like the Irish, Scotch, and French immigrants. This law provided that the President could order any alien whom he deemed dangerous to the United States to depart, and he was also given the right to enforce it by imprisonment. Provision was made for the reports from masters of vessels giving a description of all passengers arriving in this country. These lists were in nowise for the purpose of finding out the number of foreigners coming, but were to be used simply as a means of keeping out those once deported. At the time of its passage it was a very unpopular act, and considered by many unconstitutional, but by a provision of the law itself its duration was fixed at two years only. The act was one of the first manifestations of a nativist feeling.

Until 1819 no law was passed in Congress which affected the immigrant. An act then adopted, though applying to all passengers, was in reality a law regulating immigration, because then nearly all passengers were immigrants. For several years a large percentage of all persons starting for the United States had been dying en route, owing to lack of provisions and because of overcrowding on shipboard. The purpose of this law was to overcome these evils. It provided that only two passengers could be taken on board vessels coming or going from ports of the United States for every 5 tons of such vessel, and that a sufficient supply of water and provisions must be carried for the use of the passengers and the crew. With the passage of this law also begin the statistics of immigration. No continuous record of arriving passengers had ever before been made. Now lists, giving the age, sex, occupation, the country to which the passengers belonged, and the country of which they intended to become inhabitants, were required of all captains of vessels coming from foreign places.[b]

From 1819 until 1835 no particular attention was paid to immigration, the plan of the Government evidently being neither to encourage it by any special inducements nor to discourage it by legisla-

[a] 1 Stat. L., pp. 570–572. [b] See Steerage Legislation, pp. 335 to 486.

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tion. The only departure made from this rule was occasionally to furnish assistance to emigrants who, having arrived here with a view of forming settlements, had specially needed such assistance to carry their plans into effect. An example of this is the act of June 30, 1834, which provided that 36 sections of land in Illinois and Michigan be granted to Polish exiles providing they inhabited, cultivated, and paid the minimum price per acre for it. In this particular case the Senate wanted to give them the land outright, but the House objected, claiming that it would be a discrimination against natives.

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CHAPTER II.

THE NATIVE AMERICANS AND KNOW NOTHINGS.

(1835–1860.)

NATIVE AMERICANS.

During the early thirties the number of immigrants arriving was steadily and rapidly increasing. A large percentage of them were from Ireland and a correspondingly large percentage were Catholics. Catholicism in colonial days and in the early days of the States had been in disfavor. In several States legislation against the Catholic religion had been enacted. The Carolinas had a law preventing a Catholic from holding office, and New Hampshire had a similar provision in her constitution. With the influx of foreign Catholics a long dormant feeling of hostility toward them was aroused, and during this particular period of the agitation against the foreigner, anti-Catholicism was the moving element.

The first actual anti-Catholic outbreak occurred in 1834, when the Ursuline Convent at Charlestown was burned.

This hostility next took the form of a political movement, and in 1835 there was a Nativist candidate for Congress in New York City; in the following year a Nativist, Samuel F. B. Morse, was there nominated for mayor. Out of a vote of 26,000 cast, he received about 1,500.[a]

In other sections of the country the same sentiment was manifesting itself. In Germantown, Pa., and in Washington, D. C., in 1837 Nativist societies were formed. In Louisiana the movement was organized in 1839, and in 1841 a state convention was called. It was at this convention that the Native American Party, under the name of the American Republican Party, was established.

In Philadelphia in 1844 anti-Catholicism led to riots which lasted for three days, and the grand jury asserted that they were the result of "the efforts of a portion of the community to exclude the Bible from the public schools." Similar outbreaks were quite general throughout the country. In Washington a very large and respectable meeting composed of native Americans of all parties was held in the theater on Louisiana avenue on Tuesday evening July 11, 1837, upon a call of upward of 700 members, and a constitution was adopted and officers elected.

The principal articles of the constitution were as follows:[b]

First. We bind ourselves to cooperate, by all lawful means, with our native citizens in the United States to procure a repeal of the naturalization law.

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[a] H. J. Desmond, The Know-Nothing Party, Am. Catholic Quarterly Review, Vo. XXVII, p. 752.

[b] Niles Register, vol. 73, Aug. 5, 1837.

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Second. We will use all proper and reasonable means to exclude foreigners from enjoying the enrollment or honor of office, whether under the State or General Government.

Third. That we will not hold him guiltless of his country's wrong who, having the power, shall place a foreigner in office while there is a competent native willing to accept.

Fourth. That we will not in any manner whatever connect ourselves or be connected with the local politics of the country, nor aid, nor be the means of aiding, the cause of any politician or party whatsoever, but will exclusively advocate, stand to, and be a separate and distinct party of Native Americans, for the cause of the country, and upon the principles set forth in the above preamble and these articles.

Fifth. That we will not, in any manner whatever, connect ourselves or be connected with any religious sect or denomination, leaving every creed to its own strength and every man untrammeled in his own faith, adhering for ourselves to the sole cause of the natives, the establishment of a national character, and the perpetuity of our institutions through the means of our own countrymen.

Sixth. That this association shall be connected with and form a part of such societies throughout the United States as may now or hereafter be established on the principles of our political creed.

In 1844 the "Order of United Americans" was established in New York. The Republic,[a] the organ of the society, says of it:

A band of patriots * * * who will not slumber until the American people are reunited, renationalized, and the prosecuting spirit of foreign influence is driven effectively from among us.

In 1851 there were 54 chapters of this order in New York State, 13 in New Jersey, 3 in Connecticut, and 1 each in Massachusetts and California.

In 1845 the Nativist movement claimed 48,000 members in New York State, 42,000 in Pennsylvania, 14,000 in Massachusetts (a Nativist mayor in Boston), and 6,000 scattered through the other States. In Congress it had 6 Representatives from New York and 2 from Pennsylvania. The first national convention of Native Americans was held in Philadelphia in 1845; 141 delegates were present, and a national platform was adopted. In 1847 a convention was held at Pittsburg, and Zachary Taylor was indorsed for the Presidency, though no nominations were made. The chief demands of this convention were a repeal of the naturalization laws and the appointment of native Americans only to office. For a few years after 1847 the Mexican War, the attempt to extend slavery to the Territories, and the discovery of gold in California occupied the public attention, and not much was heard about the dangers of foreign immigration.

While these different societies were stronger in local politics than in national and were organized chiefly to aid in controlling local affairs, their few Representatives in Congress tried to make nativism a national question. As a result of their efforts, the Senate on the 4th of July, 1836, agreed to a resolution directing the Secretary of the Treasury to collect certain information regarding the immigration of foreign paupers and criminals. In the House on February 19, 1838, the following resolution was agreed to:[b]

Resolved, That the Committee on the Judiciary be instructed to consider the expediency of revising and so amending the laws on the subject of naturalizing foreigners as to require a longer term of residence in the United States previous to their admission to the rights of American citizenship, and greater checks and securities against frauds in the means and process of obtaining naturalization.

[a] The Republic, New York, Vol. I, p. 44.
[b] Congressional Globe, Vol. II, p. 187 (25th Cong., 2d sess.).

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Resolved, That the same committee be further instructed to consider the propriety and expediency of providing by law against the introduction into the United States of vagabonds and paupers deported from foreign countries, for whom no place of residence and means of employment and certain support for a reasonable time after arrival have been previously prepared, and requiring that the owners and masters of vessels by whom such persons shall be brought into the country shall be held liable for their relief if left in distress after being landed.

This resolution was referred to a select committee of seven members. They were Messrs. Hamer, of Ohio; Garland, of Virginia; Rhett, of South Carolina; Lincoln and Reed, of Massachusetts; Hoffman and Russell, of New York. The report of this committee [a] was the result of the first congressional investigation of any question bearing upon immigration.

To this select committee were referred memorials of the mayor, aldermen, and commonalty of the city of New York; Washington, Kings, and several other counties of New York State; that of the city of Boston; citizens of Sutton and Milbury, Mass.; that of the Native American Association, of the city of Washington; and several others from different States, praying for a repeal of the naturalization laws and the passage of a law preventing the immigration of paupers and criminals.

The complaints of the memorialists were that the number of emigrants from foreign countries was becoming so large that the peace and tranquillity of our citizens were being jeopardized, if not the permanency of the civil, religious, and political institutions of the United States; that many immigrants came from the poorhouses and penitentiaries, sent here at the expense of foreign Governments, and would necessarily become burdensome to our citizens, to the harm of our destitute and unfortunate citizens, and that many others were lunatics.

The committee sent inquiries to the mayors of Boston, New York, Philadelphia, Baltimore, Charleston, and New Orleans, and to presidents of Native American associations in New York and the District of Columbia. The questions asked concerned the number of immigrants arriving at the different cities, from what country they came, what proportion were paupers; who paid their transportation; was there any particular class of foreigners coming into the United States which was dangerous to her institutions; are any frauds practiced in securing naturalization papers; and what proportion of the inhabitants of poorhouses are foreigners.

Answers to these inquiries were received from the Native American associations of New York and Washington, and from the mayors of Boston and New York. Thus, it is evident that the information used was very partisan, Boston and New York being strongholds of the antiforeign movement. The committee contained four Members from New York and Massachusetts, and their report was the one submitted. The two southern Members and the Member from Ohio did not concur.

Naturally this partisan committee saw in these replies a combination of facts which demanded the attention of the people. They recommended immediate legislative action, not only by Congress, but

[a] Report No. 1040, Twenty-fifth Congress, 2d sess.

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also by many of the States, so that the existing evils could be remedied and impending calamities averted.

One of the interesting recommendations of the Native American Association of Washington was that a system of consular inspection be instituted, a plan that in recent years has been repeatedly recommended to Congress. Their plan was to make the immigrant, upon receiving his passport from the consul, pay a tax of $20. The committee, however, did not include this provision in the bill it introduced.

The bill presented on recommendation of the committee[a] provided that any master taking on board his vessel, with the intention of transporting to the United States, any alien passenger who was an idiot, lunatic, maniac, or one afflicted with any insurable disease, or anyone convicted of an infamous crime, should be fined $1,000 or be imprisoned for not less than one year nor more than three. It was further provided that the master should forfeit $1,000 for each alien brought in who had not the ability to maintain himself.

That Congress would not consider even this bill indicates that notwithstanding the agitation of the time the general sentiment was in favor of immigration. Representative Beatty, of Pennsylvania, remarking on the report and bill as presented, termed the doctrine "monstrous." During the next ten years no attempt was made to secure legislation against the foreigner.

What was undoubtedly the real sentiment of the country toward immigration at that period was expressed by President Tyler in his message to Congress June 1, 1841. He said:

> The old States contain a territory sufficient to maintain a population of additional millions, and the most populous of the new States may even yet be regarded as but partially settled, while of the new lands on this side of the Rocky Mountains, to say nothing of the immense region which stretches from the base of those mountains to the mouth of the Columbia River, about 770,000,000 acres, ceded and unceded, still remains to be brought into market. We hold out to the people of other countries an invitation to come and settle among us as members of our rapidly growing family, and for the blessings which we offer them we require of them to look upon our country as their country and unite with us in the great task of preserving our institutions and thereby perpetuating our liberties.

THE "KNOW NOTHING" MOVEMENT.

As a consequence of the sudden and great increase of foreign immigration caused by certain political and economical disturbances in Europe between 1848 and 1850, the old dread of the foreigner was revived, and in the early fifties the Native Americans again became active. The new, like the earlier movement, was closely associated with the anti-Catholic propaganda. The new organization assumed the form of a secret society. It was organized probably in 1850 in New York City, and in 1852 it was increased in membership by drawing largely from the old-established Order of United Americans. Its meetings were secret, its indorsements were never made openly, and even its name and purpose were said to be known only to those who reached the highest degree. Consequently the rank and file when questioned about their party were obliged to answer, "I don't know," so they came to be called "Know Nothings."

[a] H. R. 873, Twenty-fifth Congress, second session.

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Their principles as set forth by a journal[a] representing the party were as follows:

1. Repeal of all naturalization laws.
2. None but native Americans for office.
3. A pure American common-school system.
4. War to the hilt on Romanism.
5. Opposition, first and last, to the formation of military companies composed of foreigners.
6. The advocacy of a sound, healthy, and safe nationality.
7. Hostility to all papal influences in whatever form and whatever name.
8. American institutions and American sentiment.
9. More stringent and effective emigration laws.
10. The amplest protection to Protestant interests.
11. The doctrines of the revered Washington and his compatriots.
12. The sending back of all foreign paupers landed on our shores.
13. The formation of societies to protect all American interests.
14. Eternal enmity to all who attempt to carry out the principles of a foreign church or state.
15. Our country, our whole country, and nothing but our country.
16. And, finally, American laws and American legislation, and death to all foreign influences, whether in high places or low.

By 1854 much of the organization's secret character had been discarded. Its name, "Order of the Star Spangled Banner," and its meting places were known, and it openly indorsed candidates for office and put forth candidates of its own. It is recorded that in 1855 in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, California, and Kentucky the governors and legislatures were "Know Nothings," while the party had secured the choice of the land commissioner of Texas, the legislature and comptroller of Maryland and had almost carried the States of Virginia, Georgia, Alabama, Mississippi, Louisiana, and Texas.[b] This was the height of its success.

In the South whatever success the party attained was due to its Nativist element, even Catholics in some parts becoming members, but in the North it was almost entirely anti-Catholic in sentiment. A type of discussion frequent in the North related to the manner in which public funds should be used in supporting Catholic schools and whether the Bible should be read in the schools or not. In Maine, where a Catholic pupil was subjected to corporal punishment for declining to read the Protestant scriptures, the case in 1854 was brought before the supreme court of the State (Donohue *v.* Richards) and the school authorities upheld. It was attempted by law to prevent large accumulations of church property. This anti-Catholic feeling became so intense that Catholic churches in some sections of the North were burned, and guarding their property from incendiarism and mob violence became a serious purpose with Catholics.

In the South, it is said, the movement was purely Nativist in character. This was because that section had few foreign-born inhabitants, and there was opposition to immigration to the North because, as the new arrivals stayed there almost entirely, the congressional representation of the Northern States was increased correspondingly. Again, the immigrants were, as a rule, opposed to slavery, and were all the time helping to settle new free States.

[a] American Crusader, Boston, July 12, 1854.
[b] J. B. McMaster, Riotous Career of Know-Nothings, Forum, Vol. XVII, p. 534.

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Being encouraged by its success in local affairs the "Know-Nothing" party in 1855 began to make plans for the presidential election. In that year a national council was held at Philadelphia. A platform was adopted which called for a change in the existing naturalization laws; a repeal by the legislatures of several States of laws allowing foreigners not naturalized to vote, and also for a repeal by Congress of all acts making grants of lands to unnaturalized foreigners and allowing them to vote in the Territories.

In the following year a convention for the purpose of nominating candidates and preparing for the national campaign was held in Philadelphia.[a] Twenty-seven States were represented by 227 delegates. Nearly all the delegates from New England, Ohio, Pennsylvania, Illinois, and Iowa withdrew from the convention when a motion was made to nominate a candidate for President. The withdrawing minority wanted an antislavery plank. Those remaining nominated Millard Fillmore, of New York, for President, and Andrew Jackson Donelson, of Tennessee, for Vice President. The principles of the platform adopted were as follows:

Americans must rule America; and to this end native-born citizens should be selected for all State, Federal, and municipal government employment, in preference to all others.

No person should be selected for political station (whether of native or foreign birth) who recognizes any allegiance or obligation of any description to any foreign prince, potentate, or power, or who refuses to recognize the federal and state constitutions (each within its own sphere) as paramount to all other laws as rules of political action.

A change in the laws of naturalization, making continued residence of twenty-one years, of all not heretofore provided for, an indispensable requisite for citizenship hereafter, and excluding all paupers or persons convicted of crime from landing upon our shores; but no interference with the vested rights of foreigners.

Opposition to any union between church and state; no interference with religious faith or worship; and no test oaths for office.

Millard Fillmore was also nominated by the Whig Party in a convention held the following September. The Whigs did not, however, adopt the platform of the "Know Nothings," but even referred to their doctrines as "the peculiar doctrines of the party which has already selected Mr. Fillmore as a candidate."

In the election in November, 1855, James Buchanan, the Democratic candidate, polled 1,838,169 votes, and John C. Fremont, Republican candidate, 1,341,264 votes, while Millard Fillmore, candidate of the old Whig Party and of the new "Know Nothing" Party, only received 874,534 votes, carrying but one State, Maryland. It is difficult to say just what part of these were "Know Nothing" votes and what part were the votes of those who could not ally themselves with either of the other parties in the field, but at any rate it is easy to see that their national influence as a party was slight.

The "Know Nothing" strength in Congress was said to have been greatest in the 34th Congress, 1854 to 1856. They had no openly avowed representatives in the 33d Congress, but in the 34th they claimed 43 Representatives and 5 Senators, the political composition of that Congress being as follows: In the Senate, 42 Democrats, 15 Republicans, and 5 "Know Nothings"; in the House, 83 Democrats,

[a] McKee's National Conventions and Platforms.

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108 Republicans (70 of whom were said to be members of "Know Nothing" councils), and 43 out-and-out "Know Nothings."[a] In the 35th Congress the "Know Nothings" claimed 5 Senators and 14 Representatives, and about the same number were in the 36th and 37th; but in the 38th Congress the party was not represented in either branch.

The rapid disintegration of the party was brought about by the deeper interest in the slavery issue, beginning at the council of 1855 and the convention of 1856, when the party divided over this question.

In 1860 the little that was left of the party met in convention in Baltimore and nominated John Bell, of Tennessee, for President, and Edward Everett, of Massachusetts, for Vice President. The party was now known as the Constitutional Union Party. Bell received a popular vote of 587,830, holding the southern vote which had been cast for Fillmore in 1856, but receiving in the Northern States a vote of only 130,000 as compared with Fillmore's 394,000 in 1856. The rest of his northern supporters had gone over to the Republican Party, which represented the antislavery movement.

Inasmuch as they were never more than a minority in Congress, the "Know Nothings" had but little influence in national legislation, although they made several attempts in this regard. In the naturalization bills introduced they proposed to lengthen the period of residence, usually demanding that it be made 21 years, but their proposed laws affecting immigration were, as a rule, only directed toward the exclusion of foreign paupers and criminals.

On January 2, 1855, Representative Wentworth, of Massachusetts, introduced a bill to prevent the introduction of foreign paupers, criminals, idiots, lunatics, and insane and blind persons, but it was laid on the table by a vote of 68 to 83.

February 17, 1855, Senator Jones, of Tennessee, evidently believing it useless to try to pass an act excluding undesirables, sought to have Congress agree to give the matter entirely over to the States, and presented the following resolution, which was quickly tabled:

> Whereas the Constitution of the United States confers on Congress the power to establish a uniform rule of naturalization and is silent as to the exercises of any power over the subject of immigation; and
>
> Whereas it is declared in the Constitution that all power not delegated to the United States by the Constitution nor prohibited to the States by it are reserved to the States respectively or to the people: Therefore
>
> *Resolved*, That Congress has no power to pass any law regulating or controlling immigration into any of the States or Territories of this Union; but that the power to prescribe such rules and regulations touching this subject such as may be deemed necessary to the safety and happiness of the people belongs to the States respectively or to the people, and that each State may determine for itself the evils resulting from the great influx of criminals and paupers and apply such remedy as their wisdom may suggest or their safety demand.

Again, on March 4, 1856, Mr. Smith, of Alabama, introduced a bill[b] to exclude foreign paupers and criminals. This bill required United States consuls to issue certificates to all persons intending to come to the United States, stating that they were not paupers, nor convicts, and that they were coming of their own accord and were not sent out

[a] H. J. Desmond, The Know-Nothing Party.
[b] H. R. 124, Thirty-fourth Congress, first session.

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of their own country by any society or authority whatsoever. The report[a] that accompanied this bill, besides containing the report in full of the select committee of 1838, gave the correspondence of several United States consuls in Europe, showing the manner and extent of deportation to the United States of paupers and criminals of foreign governments and a general view of the situation in these countries.

The following deduction was drawn from the report: The immigration of foreign paupers and criminals is the chief source of intemperance, the fruitful source of pauperism, and the prolific source of crime; it has brought upon the country a large juvenile vagrant population; the mother of crimes, it has flooded our country with irreligion, immorality, and licentiousness.

The Committee on Foreign Affairs, which presented the report, seemed to doubt the power of Congress to regulate the matter, so almost all their recommendations were to the States. The principal recommendations were the adoption of a state policy which would discourage the esprit du corps which, according to the report, was being so studiously cultivated among foreigners; that licenses for the sale of liquor be granted only to citizens of the United States; the more prompt conviction of all offenders; the establishment of institutions to take charge of all juvenile delinquents and vagrants; and, finally, the adoption and enforcement of a truly American policy on all subjects. The report closed with an appeal that the Bible be used as one of the textbooks of the schools. The members of the committee making this report came from New Jersey, Virginia, North Carolina, South Carolina, Pennsylvania, New York, Rhode Island, and Massachusetts, but the bill presented was passed over without consideration. It has been said that Know-Nothingism disappeared without having accomplished the least thing against immigrants, adopted citizens, or Catholics.[b] As a matter of fact, the plans of the party were so radical that sentiment favorable to the foreigner was kindled by them, and the foreign element frequently received high encomiums in the press of the time. An unknown writer in 1855 said:[c]

> It follows that America preeminently owes its growth and prosperity to the amalgamation of foreign blood. To cut off, therefore, or to discourage its influx, will be to check the current from which our very life is drawn. The better course is evidently to welcome and provide for this tide of immigration, rather than to oppose and turn it away; to cherish the good influence it brings and regulate the bad, rather than to trample them both underfoot.

Moreover, national legislation favorable to the foreigner was passed during this period of agitation. In 1847 the passenger law of 1819 was amended, and in 1848 a law providing for the ventilation of vessels was passed. Again in 1855 the passenger laws were amended. The avowed purpose of these laws and amendments was to protect foreigners from dangers incident to the travel of that day, and the "Native Americans" and "Know Nothings" were opposed to these laws. Mr. Levine, a Native American Representa-

[a] House Report No. 389, Thirty-fourth Congress, first session.
[b] H. J. Desmond, The Know-Nothing Party, p. 121, quoting Von Holst.
[c] De Bow's Review, Vol. XVIII, June.

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tive from Pennsylvania, in referring to the bill of 1847, practically said that he would like to move to amend the title of the bill so as to make it read, "A bill to afford additional facilities to the paupers and criminals of Europe to emigrate to the United States." He termed it a scheme of importing votes from abroad and attributed it to a party policy, with a view to weaken the Native American Party. But sentiment was with the immigrant, and these various laws were passed with no effective opposition. With these also may be mentioned the act of 1860 which provided for the better protection of female passengers at sea.

The act organizing the Territories of Nebraska and Kansas, passed in 1854, was also favorable to foreigners. Section 5 of this act provided:

> That the right of suffrage and of holding office should be exercised only by citizens of the United States, and those who shall declare on oath their intentions to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act.

During the discussion of the homestead act in 1854, which act, however, was not finally passed until 1862, there was considerable reference to immigrants and to the question whether they should be allowed to enjoy the advantage of the act. Senator Seward, of New York,[a] in speaking against an amendment of the Know-Nothings, which provided that the section of the bill permitting land to be granted to foreigners who had filed intentions of becoming citizens be cut out, referred to it as a means of discouraging immigration, for which he could find no reason. Senator Seward said:

> The ingress of the foreign population into this country is a fixed and unchangeable fact. It has its cause in one condition of society here and in the condition of society in foreign countries. Nothing could prevent the exodus of the population from Ireland when they were besieged in their native homes by famine and pestilence. They come here in obedience to a law which obliged them to come. So it is of those parts of the population of Germany and continental Europe which come here. * * * It can not remain at home; it must come here; and inasmuch as it must come here, we are to treat it as if it were justly and wisely here.

The idea expressed by Mr. Seward was the prevailing sentiment of the time, as it had been since the formation of the Union. It was thought to be contrary to the principles of the Declaration of Independence to exclude anyone from the advantages of our Government.

[a] Congressional Globe, July 12, 1854.

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Chapter III.

THE END OF STATE LEGISLATION.

(1860–1882.)

Aside from the coolie and the homestead acts of 1862, the first of which was chiefly to keep Americans from carrying on a business in coolies between China and the West Indies, and the second of which affected immigration only in that it permitted aliens who had declared their intention of becoming citizens to enjoy the provisions of the act, the principal immigrant legislation of this period was the law of July 4, 1864, to encourage immigration. This is the only time that the National Government has attempted to encourage immigration by direct legislation, although the States have frequently done so.

President Lincoln in his annual message to the 37th Congress, 1st session, recommended a colonization scheme for taking care of liberated negroes. This, he said, would leave "additional room for white men remaining or coming here." He also favored a scheme of the Territories for encouraging immigration. In a subsequent message, December 8, 1863, he strongly recommended legislation which would encourage immigration, saying:

> I again submit to your consideration the expediency of establishing a system for the encouragement of immigration. Although this source of national wealth and strength is again flowing with greater freedom than for several years before the insurrection occurred, there is still a great deficiency of laborers in every field of industry, especially in agriculture and in our mines, as well of iron and coal as of the precious metals. While the demand for labor is thus increased here, tens of thousands of persons destitute of remunerative occupation are thronging our foreign consulates and offering to emigrate to the United States if essential but very cheap assistance can be afforded them. It is very easy to see that under the sharp discipline of civil war the Nation is beginning a new life. This noble effort demands the aid and ought to receive the attention and support of the Government.

In the House of Representatives December 15, 1863, the above part of President Lincoln's message was referred to a select committee of five members, Messrs. Washburne of Illinois, Grinnell, Law, and Baldwin of Massachusetts, and Rollins of Missouri.

In the following April the committee brought in a bill [a] to encourage immigration. The committee in recommending [b] the passage of the bill said that the vast number of laboring men, estimated at nearly one million and a quarter, who had left their peaceful pursuits and gone forth in defense of the Government, had created a vacuum which was becoming seriously felt in every portion of the country. Never before in our history had there existed such a demand for labor.

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[a] H. R. 411, Thirty-eighth Congress, first session.
[b] House Report No. 56, Thirty-eighth Congress, first session.

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In view of the fact that the industrial population of the United States had been reduced more than 1,000,000 men, a large proportion of the able-bodied men between the ages of 18 and 35, it became a matter of the highest importance that their loss should be supplied and that the labor which they had performed and which had added so much to the aggregate wealth of the Nation should be replaced. The committee concluded that the demand for labor could be supplied only by immigration.

This bill passed the House April 21, 1864. In the Senate it was referred to the Committee on Agriculture, which reported back Senate bill No. 125 as a substitute.

While the House in the second section of its bill provided that contracts could be made whereby emigrants should pledge the wages of their labor to repay the expenses of their emigration and also provided for the enforcement of these contracts, the Senate committee felt that it could not recommend such radical legislation, even though they deemed the encouragement of foreign immigration of the highest importance. The rapid growth of our country they accredited to three equal causes: First, the extent of unoccupied soil, with a climate and fertility not surpassed in any portion of the world; second, a native population, free, hardy, and industrious, improved by a mixture of the blood of all European nations; and, third, the annual addition to, and adoption into, our population of a large number of immigrants, whose labor added to our annual production an amount increasing at a compound ratio.

Though stronger in their approval of the immigrant than the House, the Senate did not go to such extremes in its bill. It provided that authentic information of the inducements to immigrate to this country be disseminated in Europe; that the immigrant be protected from the impositions then generally practiced upon him by immigrant runners and the like; and that his transportation from New York to the place of his destination, or to the place where his labor and skill would be most productive, be facilitated in every way possible.

On June 27, 1864, this bill passed the Senate. The conference report on it was made on July 2, 1864, and quickly agreed to on the same day by both the Senate and the House. It received the approval of the President July 4, 1864.[a]

LAW TO ENCOURAGE IMMIGRATION.

The law enacted resembled the bill originally introduced in the House. It provided for the appointment by the President of a commissioner of immigration, to be under the direction of the Department of State, and that all contracts that should be made by emigrants to the United States in foreign countries, in conformity to regulations that might be established by the said commissioner, whereby emigrants pledged the wages of their labor for a term not exceeding 12 months to repay the expenses of emigration, should be held to be valid in law and might be enforced in the courts of the United States or of the several States and Territories, and no such

[a] Appendix B, p. 95 (13 Stat. L., p. 385).

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contract could in any way be considered as creating the condition of slavery or servitude. It also provided that no emigrant could be compulsorily enrolled for military service unless he should voluntarily renounce allegiance to the country of his birth and declare his intention of becoming a citizen of the United States. An immigration office was to be established in New York City in charge of a superintendent of immigration, who should arrange for transportation for immigrants to their final destination and protect them from imposition and fraud. The appropriation carried by the bill was $25,000.

This policy of encouragement was approved by the Republican Party in its convention of June 7, 1864, in the following provision:

Resolved, That foreign immigration, which in the past has added so much to the wealth, development of resources, and increase of power to the Nation—the asylum of the oppressed of all nations—should be fostered and encouraged by a liberal and just policy.

In a message to Congress at the following session President Lincoln referred to the law of 1864 and recommended that it be amended to prevent immigrants from being imposed upon during the passage and after arriving here, so that they might secure a free choice of avocations and places of settlement. The select committee in the House appointed to consider immigration reported a bill (H. R. 746) aiming to correct the faults of the law. It passed the House February 24, 1865, but was not acted upon in the Senate. A similar bill was presented in the Senate, but no agreement was reached.

Following the enactment of the law of 1864, several companies were established to deal in immigrant contract labor. They were not satisfied with the law and wanted its scope enlarged. The American Emigrant Society, one of these companies, recommended to Congress[a] that foreign laborers breaking their contracts forfeit double the amount remaining unpaid of the expenses advanced by the employer, and that contracts with foreign minors and married women be validated, as many of their contracts were made with these two classes.

These demands received some attention in Congress, and on May 1, 1866, the House passed a bill amending the act of 1864. Its principal provision sought to increase the number of commissioners of immigration, putting them in several cities along the Atlantic coast. Some provisions were also made for the safety of passengers in transit. The Senate, however, would not agree to any such additions. The original bill was even declared impolitic, if not unconstitutional, and it came near being repealed. The workings of the Bureau of Immigration in New York were attacked, and especially its connection with the American Emigrant Company. Senator Morrill, of Maine, in reviewing the results of the law of 1864, said:[b]

All on earth that this Bureau of Immigration has done since 1864 is to act in harmony and in subordination to that emigration society or company incorporated by the State of New York and doing business at the city of New York. The Commissioner or Superintendent of Immigration has held his office in their office. He has cooperated with them. They have made the contracts, and he has sanctioned the contracts. They have made the contracts for foreign labor and sent out for foreign immigrants, and he has ratified those contracts.

[a] Senate Mis. Doc. 13, Thirty-eighth Congress, second session.
[b] Congressional Globe, July 22, 1866, Thirty-ninth Congress, first session.

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* * * He, then, paid by the Government of the United States, has done nothing else—and the report shows that fact—but to cooperate with the immigrant company in New York, to render that company efficient, and enable them, through the power of the Central Government, to enforce the contracts which they make in foreign countries for the importation of this labor.

Although generally admitting its defects and refusing to extend its provisions to other cities, as proposed by the House, by passing the amending act, the Senate refused to repeal the law.

About this time one of the first official protests against using the United States as a "dumping ground" for criminals by foreign governments was entered by Congress, the following joint resolution being passed and approved by the President April 17, 1866:

Whereas it appears from official correspondence that the authorities of Baseland, a Canton of Switzerland, have recently undertaken to pardon a person convicted of murder on the condition that he would emigrate to the United States, and there is reason to believe that similar pardons of persons convicted of infamous offenses have been granted in other countries: Now, therefore,

Resolved by the Senate, etc., That the Congress of the United States protests against such acts as unfriendly and inconsistent with the comity of nations, and hereby requests the President of the United States to cause a copy of this protest to be communicated to the representatives of the United States in foreign countries, with instructions to present to the governments where they are accredited, respectively, and to insist that no such acts shall under any circumstances be repeated.

In the Fortieth Congress two bills were introduced providing for agencies for the promotion of immigration to be located in Great Britain, Germany, Sweden, and Norway. For these two bills was substituted one which provided that the work to be done by these special agents be done instead by United States consuls. No favorable action was taken, however, and the brief period of national encouragement to immigration was over when, on March 4, 1868, the law of 1864 was repealed by a clause in the consular and diplomatic act.[a] Its repeal was but a natural result of the close of the war. Though the platform of the Republican Party in its convention of that year reiterated its views in regard to encouraging immigration, the country evidently felt that the radical measures adopted in 1864 were not necessary in a time of peace.

OPPOSITION TO CONTRACT LABOR.

In the Forty-first Congress the campaign against contracting for foreign labor first began. House bill 563 of this Congress, introduced by Mr. Wilson, of Massachusetts, being an exact opposite of the law of 1864 encouraging immigration. This bill, which was not acted upon, provided that any contract made in foreign countries whereby immigrants pledged service or labor to be performed upon arrival in the United States should not be enforced in any federal or state court.

Proceedings in Congress for the next few years, while showing a general sentiment against the importation of contract labor, although in favor of the immigration of worthy foreigners, are interesting chiefly as showing the circumstances which led to the change of control of immigration from the various States to the National Government.

[a] 15 Stat. L., p. 58.

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On May 31, 1870, an act to enforce the rights of citizens to vote in the several States and for other purposes was approved.[a] Section 16 of this act provided that—

> No tax shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country which is not equally imposed and enforced upon every person immigrating to such State from any other foreign country, and any law of any State in conflict with this provision is hereby declared null and void.

This is interesting here simply to show that at this time Congress regarded the levying of head taxes on foreign immigrants as a legitimate field for state legislation.

In his annual message to Congress, December 4, 1871,[b] President Grant referred to the question of immigration as follows:

> The number of immigrants ignorant of our laws, habits, etc., coming into our country annually, has become so great and the imposition practiced upon them so numerous and flagrant that I suggest congressional action for their protection. It seems to me a fair subject of legislation by Congress.

Later in the same session, May 14, 1872,[c] he sent a special message to Congress on the subject of immigration. This message follows:

> In my message to Congress at the beginning of the present session, allusion was made to the hardship and privations inflicted upon poor immigrants on shipboard and upon arrival on our shores, and a suggestion was made favoring national legislation for the purpose of effecting a radical cure of the evil.
>
> Promise was made that a special message on the subject would be presented during the present session should information be received which would warrant it. I now transmit to the two Houses of Congress all that has been officially received since that time bearing[d] upon the subject, and recommend that such legislation be had as will secure, first, such room and accommodations on shipboard as is necessary for health and comfort, and such privacy and protection as not to compel immigrants to be the unwilling witness to so much vice and misery; and, second, legislation to protect them upon their arrival at our seaports from the knaves who are ever ready to despoil them of the little all which they are able to bring with them. Such legislation will be in the interest of humanity, and seems to be fully justifiable. The immigrant is not a citizen of any State or Territory upon his arrival, but comes here to be a citizen of a great republic, free to change his residence at will, to enjoy the blessings of a protecting Government, where all are equal before the law, and to add to the national wealth by his industry.
>
> On his arrival he does not know States or corporations, but confides implicity in the protecting arm of the great free country of which he has heard so much before leaving his native land. It is a source of serious disappointment and discouragement to those who start with means sufficient to support them comfortably until they can choose a residence and begin employment for a comfortable support to find themselves subject to ill treatment and every discomfort on their passage here, and at the end of their journey seized upon by professional friends claiming legal right to take charge of them for their protection, who do not leave them until all their resources are exhausted, when they are abandoned in a strange land, surrounded by strangers, without employment, and ignorant of the securing it. Under the present system this is the fate of thousands annually, the exposures on shipboard and the treatment on landing driving thousands to lives of vice and shame, who, with proper humane treatment, might become useful and profitable members of society.
>
> I do not advise national legislation in affairs that should be regulated by the States; but I see no subject more national in its character than provision for the safety and welfare of the thousands who leave foreign lands to become citizens

[a] 16 Stat. L., p. 144.
[b] Congressional Globe, 2d session, 42 Congress, p. 7.
[c] Same, p. 3406.
[d] Senate Ex. Doc. No. 73, Report, etc.

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of this Republic. When their residence is chosen they may then look to the laws of their locality for protection and guidance.

The mass of immigrants arriving upon our shores, coming as they do on vessels under foreign flags, makes treaties with the nations furnishing these immigrants necessary for their complete protection. For more than two years efforts had been made on our part to secure such treaties, and there is now reasonable ground for success.

Previous to this message, by resolutions in the Senate, February 12 and March 7, 1872, the Committee on Commerce was instructed to investigate the matter of immigration, and one or two bills for the promotion and protection of immigrants were introduced in the House. In the third session of the same Congress, the House Committee on Commerce reported House bill 1925, as a substitute for several bills that had been referred to the committee.

This bill provided for the appointment of a Commissioner of Immigration, the exclusion of criminals, and the levying of a head tax of $1 upon each alien passenger landed in lieu of the head tax imposed by States.

In the debates[a] in Congress on this bill the almost universal opinion was that the existing plan of regulating immigration was wrong. Much objection was made because New York State was collecting a head tax of $1.50 from all immigrants arriving at her ports, including those who went west as well as those who settled in New York. Mr. Finkelnburg, a Representative from Missouri, in speaking on the question, said:

This subject has attracted so much attention that several conventions have been held in regard to it. It has attracted particular attention in the West, where we are more closely interested in the whole subject of immigration. one of these conventions, very numerously attended, called by the governors of the States of Minnesota, Iowa, Missouri, and Illinois, I believe, was held at the city of Indianapolis. * * * That convention, although called by the governors of the Western States principally, was attended by delegates from a majority of all the States of the Union, and very largely attended. This whole subject was very carefully discussed there, and the result of those deliberations was that the convention sent a memorial to Congress asking that the Federal Government might take this whole subject of immigration into its charge; and I believe that that is not only the opinion of that convention, but of the western people generally. It is my own individual opinion that that should be done.

The subject is essentially one of national concern, and not of local concern. If the immigrant is to be taxed for his protection, I say the United States is the proper trustee to collect that tax and see that it is impartially and properly applied.

The bill in question did not pass, but the message of President Grant and the debates in Congress indicated a strong sentiment in favor of national control of immigration, and in 1876 a decision of the Supreme Court practically left no other alternative.

STATE CONTROL DECLARED UNCONSTITUTIONAL.

Before the decision referred to various questions relating to the subject of immigration had been considered by the Supreme Court of the United States. The first of these cases was that of City of New York *v.* Miln.[b] This case tested the constitutionality of a law passed by the legislature of New York State in 1824, requiring all

[a] Congressional Globe, pp. 457, 458, Forty-second Congress, second session.
[b] 11 Peters, 102.

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masters of vessels arriving at the port of New York to make a report in writing, giving the names, ages, and last legal residence of every person on board during the voyage, and stating whether any of his passengers had gone on board any other vessel or had been landed at any place with a view of proceeding to New York. Another section of the law made it lawful for the mayor to require a bond from every master of a vessel to indemnify the mayor and the overseer of the poor from any expense incurred for passengers brought in and not reported.

The Supreme Court held that this act of the New York legislature was not a regulation of commerce, but of police, and, being so, it was in exercise of a power which rightfully belonged to the State. It was further held that while a State is acting within the scope of its legitimate power, as to the end to be attained, it may use whatever means, being appropriate to the end, it may think fit, although they may be the same or so nearly the same as scarcely to be distinguished from those adopted by Congress acting under a different power, subject only to this limitation, that in the event of collision the law of the State must yield to the law of Congress.

Justice Story dissented from the decision of the court, declared the law unconstitutional, and said, in part:

> The result of the whole reasoning is that whatever restrains or prevents the introduction or importation of passengers or goods into the country authorized or allowed by Congress, whether in the shape of a tax or other charge, or whether before or after their arrival in port, interferes with the exclusive right to regulate commerce.

This law being held to be constitutional, New York in 1829,[a] in providing for the support of the marine and quarantine hospital established on Staten Island, ordered that the health commissioner should collect from the master of every vessel arriving from a foreign port $1.50 for every cabin passenger; $1 for every steerage passenger, mate, sailor, or marine, and 25 cents for every person arriving on coasting vessels. The money so collected, after deducting 2 per cent, was all to be used for the benefit of the above-named hospital. In 1837 Masachusetts enacted a law which provided for an inspection of arriving alien passengers and required a bond from the owner of the vessel bringing such aliens as security that such of these passengers, incompetent in the eyes of inspectors to earn a living, should not become a public charge within ten years. It also provided that $2 be paid for each passenger landed, the money so collected to be used for the support of foreign paupers.

These two legislative acts were declared unconstitutional by the United States Supreme Court in 1849 in what are known as the "Passenger cases."[b] There was no opinion of the court, but Associate Justices McClean, Wayne, Catron, McKinley, and Grier rendered individual opinions declaring the acts unconstitutional. Chief Justice Taney and Associate Justices Daniel, Nelson, and Woodbury gave dissenting opinions.

According to Mr. Justice Wayne, in an opinion declaring this law unconstitutional, the decision of the Miln case was not reversed.

[a] New York Revised Statutes, 1829, Vol. I, pp. 445, 446.
[b] 7 Howard, 283.

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He said that all that was meant to be decided by that case was that the regulation imposed by the act of 1824 was not a regulation of commerce but one of police, and the question as to whether the coming of passengers to the United States could be regulated under the power of Congress to regulate commerce was not considered. He declared the New York and Massachusetts laws unconstitutional because—

> The power, then, to tax and the power to regulate commerce give Congress the right to tax persons who may come into the United States, as a regulation of commerce and navigation * * *. The power to regulate commerce with foreign nations and among the several States having been given to Congress, Congress may, but the State can not, tax persons for coming into the United States.

Mr. Justice Wayne took for the basis of his opinion the case of Gibbons *v.* Ogden,[a] decided in 1824, saying:

> In my opinion the case of Gibbons *v.* Ogden rules the case before us. If there were no other reasons, with such an authority to direct my course, I could not refrain from saying that the acts of Massachusetts and New York, so far as they are in question, are unconstitutional and void.

In the case of Gibbons *v.* Ogden, above referred to, Chief Justice Marshall delivered the opinion and in defining commerce said:

> Commerce undoubtedly is traffic, but it is something more; it is intercourse. It describes the commercial intercourse between nations in all its branches, and is regulated by prescribing rules for carrying on that intercourse. No sort of trade can be carried on between this country and any other to which this power does not extend.

Also, in referring to that clause of the Constitution in regard to prohibiting the migration or importation of persons, Chief Justice Marshall said:

> The section which restrains Congress from prohibiting the migration or importation of such persons as any of the States may think proper to admit, until the year 1808, has always been considered an exception from the power to regulate commerce, and certainly seems to class migration with importation. Migration applies as appropriately to voluntary as importation does to involuntary arrivals; and so far as an exception from a power proves its existence, this section proves that the power to regulate commerce applies equally to the regulation of vessels employed in transporting men, who pass from place to place voluntarily and to those who pass involuntarily.

Mr. Justice McClean reached the same conclusions as Mr. Justice Wayne, saying:

> A tax or duty upon tonnage, merchandise, or passengers is a regulation of commerce, and can not be laid by a State, except under the sanction of Congress and for the purposes specified in the Constitution.

Mr. Justice Catron declared the laws unconstitutional, because they attempted to regulate foreign commerce by a revenue measure for the purposes of a state treasury. He said:

> The States can not lay export duties, nor duties on imports, nor tonnage duties on vessels. If they tax the master and crew, they indirectly lay a duty on the vessel. If the passengers on board are taxed, the protected goods—the imports—are reached.

Mr. Justice McKinley based his opinion upon the article of the Constitution relating to the migration and importation of persons, saying:

[a] 9 Wheaton, 195.

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It follows beyond controversy that the power of Congress over the whole subject of migration and importation was complete throughout the United States after 1808.

The power to prohibit the admission of "all such persons" includes, necessarily, the power to admit them on such conditions as Congress may think proper to impose, and therefore, as a condition, Congress has the unlimited power of taxing them. If this reasoning be correct, the whole power over the subject belongs exclusively to Congress, and connects itself indissolubly with the power to regulate commerce.

Mr. Justice Grier in his opinion said:

Congress has regulated commerce with foreign nations and between the several States by willing that it shall be free, and it is therefore not left to the discretion of each State in the Union to refuse a right of passage to persons or property through her territory, or to exact a duty for permission to exercise it.

The principal thing settled by these cases was that passengers were the subjects of regulations of commerce, and the weight of opinion seemed to be that a State could not legislate for the regulation of commerce, even though it did not interfere with any existing act of Congress.

Immediately after the decision of the Supreme Court the New York statute was modified with a view to avoiding the constitutional objection. As modified the law provided that the master or owner of every vessel landing passengers from a foreign port was bound to make a report similar to the one recited in the statute declared to be valid in the case of New York *v.* Miln, and in this report the mayor was to indorse a demand upon the owner or master that he give a bond for every passenger landed in the city to indemnify the commissioners of immigration and every county, city, and town in the State against any expense for the relief or support of the person named in the bond for four years thereafter, but the owner could commute for such bond, and be released from giving it by paying $1.50 for each passenger landed.

In several other States similar laws were in force. Cases brought up to the Supreme Court from New York, California, and Louisiana were decided on the constitutionality of their respective statutes in regard to this point (92 U. S., 259).

It was decided that though the plan of collecting the tax had been changed it was still a regulation of commerce. Mr. Justice Miller, who delivered the opinion of the court, said:

It is a law in its purpose and effect imposing a tax on the owner of the vessel for the privilege of landing in New York from foreign countries. * * * A law or rule emanating from any lawful authority which prescribes terms or conditions on which alone the vessel can discharge its passengers is a regulation of commerce; and in the case of vessels and passengers coming from foreign ports is a regulation of foreign commerce.

The most important part of this decision, however, was that in which the court recommended that Congress exercise full control over imigration, saying:

We are of the opinion that this whole subject has been confided to Congress by the Constitution; that Congress can more appropriately and with more acceptance exercise it than any other body known to our law, State or national; that by providing a system of laws in these matters applicable to all ports and to all vessels, a serious question which has long been a matter of contest and complaint, may be effectively and satisfactorily settled.

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By this decision the States were left without the means, except by taxing their own citizens, of providing suitable inspection of immigrants or of caring for the destitute among those admitted. The only alternative was the recommendation of the Supreme Court that Congress assume control of immigration legislation, and New York Representatives in Congress immediately set to work to secure the passage of a general immigration law. The above quoted case was decided by the Supreme Court March 20, 1876, and July 6 following, Senator Conkling and Representative Cox, of New York, introduced bills for the national regulation of immigration. These bills will be considered later.

The only other legislation of this period was brought about by conditions in California. President Grant, in his message to Congress, December 7, 1874,[a] after decrying the evils of the Chinese coolie trade, said:

> In a worse form does this apply to Chinese women. Hardly a perceptible percentage of them perform any honorable labor, but they are brought for shameful purposes, to the disgrace of the communities where settled and the great demoralization of youth of these localities. If this evil practice can be legislated against, it will be my pleasure as well as duty to enforce any regulations to secure so desirable an end.

February 18, 1875, Mr. Myers, of Pennsylvania, reported a bill supplemental to the several bills in relation to immigration which embodied the recommendations of the President. It passed the House February 22 and the Senate on March 3, 1875, and was approved on the same day.[b] This act provided that all contracts providing for the importation of women for the purposes of prostitution were void; it further provided that persons convicted of felonious crimes other than political, and women "imported for the purposes of prostitution," should not be allowed to immigrate to the United States. Provision was also made for inspection of vessels and the deportation of such excluded persons. This law marked the beginning of national regulation of immigration.[c]

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[a] Congressional Record, Forty-third Congress, second session, p. 4.

[b] Appendix B, p. 96 (18 Stat. L., p. 477).

[c] For synopsis of all immigration and contract labor laws from 1875 to 1907, see Appendix A.

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CHAPTER IV.

NATIONAL LEGISLATION.

(1882–1907.)

About three-fourths of all the immigrants arriving in the United States prior to 1880 were landed in New York. The laws of that State in force between 1847 and 1876, when the regulation of immigration by States was declared unconstitutional by the Supreme Court, provided in substance [a] that the captain, consignee, or owner of every vessel arriving at the port of New York from a foreign country having on board passenger immigrants destined for the city of New York should give a bond of $300 for each of such passengers, conditioned to indemnify the State against any charge or expense on account of the passengers named in the bond within four years from arrival. The parties interested in the vessel had, however, accredited to them by the same legislation the right to avoid this bond by paying a certain sum (varying in different years from $1.50 to $2.50) to the commissioners of emigration, whose duty it was to pay out of this fund whatever expense the State might incur for any alien passenger who might have arrived at the port of New York within the previous four years. The commissioners were also empowered to purchase lands and erect whatever buildings seemed necessary for the care, support, and protection of such immigrants. In the year 1847 the commissioners began, and for many years after continued, to purchase lands on Wards Island and to erect buildings thereon for the care and treatment of the sick and diseased and the support and maintenance of the needy among immigrants. These lands were used exclusively for immigrants who had arrived at New York within four years from the date they sought care or support from the public authorities. The commissioners also leased in 1855 the building in New York City known as Castle Garden and converted it into a landing place for immigrants.

At Castle Garden, after examination of their luggage by the customs officers, the immigrants were transferred to the landing depot, where they were received by officers of the commission, who entered in registers kept for the purpose all particulars necessary for their future identification. The names of those having money, friends, or letters awaiting them were called out, and they were put into immediate possession of their property or committed to their friends, whose credentials first were properly scrutinized. Clerks to write letters for them in European languages and a telegraph operator to forward their dispatches were at hand. The main railway lines had offices there. Brokers were admitted to exchange the foreign money

[a] House Mis. Doc. No. 22, Forty-fifth Congress, second session.

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of the immigrant. A physician was always in attendance, and a temporary hospital was located there.

What New York in 1876 was doing at Castle Garden with money collected from arriving immigrants other Atlantic States were doing with money raised by taxation, nearly all of them by this time having abandoned the collection of head taxes. Thus it is readily seen that New York, receiving three-fourths of all the immigrants arriving in the United States, was especially affected by the decision of 1876. What the State had previously been able to do with a fair measure of profit, as claimed by the Western States, now became a heavy expense.

Naturally, in the attempt to secure national legislation New York was particularly active. Convinced that their plan of caring for immigrants as working at the port of New York was the best one for the National Government to adopt, the legislature of New York appropriated money to carry on the work at Castle Garden until Congress had an opportunity to legislate on the subject, and on April 26, 1876, that legislature passed the following resolution:

Resolved, That the commissioners of emigration are hereby instructed to call the attention of Congress of the United States to the present condition of the immigration laws, resulting from the decision of the Supreme Court of the United States, declaring the State laws on that subject unconstitutional and void, and to impress upon Congress the necessity for speedy national legislation in regard thereto, and the said commissioners take such steps as in their good judgment may be proper to secure such legislation.

Reference has been made to the Conklin-Cox bill[a] for the Federal regulation of immigration, which was introduced in the Senate and House of Representatives following the Supreme Court's decision that State control of immigration was unconstitutional. This bill provided for a manifest of alien passengers; a head tax of $2; the exclusion and deportation of convicts, insane persons, and paupers, and the reimbursement to the States of all money paid out for the support and maintenance of any immigrants within four years from their arrival.

No action, however, was taken on the bill. The principal opposition to the proposed measure came from commercial organizations. As early as 1872 the National Board of Trade had expressed as its judgment "that all capitation taxes collected from or upon immigrants, whether imposed directly or indirectly, with or without color of law, are odious and unjust, and ought to be abolished."[b] The organization argued that immigration figures were a pretty sure index to national prosperity. During the seventies, while immigration was at a low ebb because of the prevailing business depression, it objected to a head tax; it wanted to have nothing done which would interfere with the return of prosperity. And in the late seventies, when immigration was returning to a normal figure, it did not believe "that just as the tide of population is flowing again toward our shores, both illustrating and increasing the returning prosperity of the Nation, Congress will do anything the effect of which would be to affix a stigma on the character of the movement, no less than to diminish it in force and volume."

[a] Senate Mis. Doc. No. 96, Forty-fourth Congress, first session (H. R. 3853, by Mr. Cox, of New York; S. 977, by Mr. Conkling, of New York).

[b] Tenth Annual Report National Board of Trade, p. 7.

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Bills to regulate immigration were now regularly introduced by the New York Representatives and Senators, all generally following the plan of the Conklin-Cox bill of the Forty-fourth Congress. One exception to this was a bill introduced in the Forty-sixth Congress,[a] which did not provide for a head tax, the Committee on Foreign Affairs deeming the imposition of a per capita charge on each passenger inadvisable in consequence of the decrease in immigration to the United States, as it was believed the fund which would be obtained would be inadequate to meet the expenses necessary for carrying out the law. Instead the bill provided that a sufficient sum for that purpose be appropriated from the National Treasury.

The New York State board of Charities was especially active in trying to secure legislation, and September 9, 1879, adopted the following resolutions:[b]

Whereas this board has become satisfied by observation and investigation that it has long been the custom for many of the cities and towns in different governments of Europe to send to this country blind, crippled, lunatic, and other infirm paupers, who ultimately become life-long dependents on our public charities; and whereas the greater number of these helpless creatures arrive at the port of New York, whence some find their way into other States, but the majority of them become permanent inmates of the charitable institutions supported by the State of New York: Therefore

Resolved, That in the opinion of this board, the evil being an increasing rather than a diminishing one, an effort should be made looking to its suppression or limitation.

Resolved, That the attention of the Senators and Representatives of our State in Congress be called thereto, and that a copy of these resolutions, signed by our president and secretary on behalf of this board, be sent to each of our Senators and Representatives, requesting their efforts toward procuring legislation, if possible, by Congress, providing for an appropriation of funds to defray the expense of the return of any disabled, lunatic or any other infirm paupers, arriving in this country, to the places whence they came.

The opposing argument can be found in the following remarks of Representative Rice, of Massachusetts:

Let the State and city which reap the benefits of this mighty immigration assume the responsibilities which devolve upon them in receiving that benefit and pay the bills for which provision is here sought to be made, and not seek to draw the money to meet them by an unconstitutional measure from the Treasury of the United States.

Still Congress failed to enact an immigration law, and finally, May 31, 1881, New York, again attempting to evade the force of the Supreme Court decision that States could not tax incoming passengers, enacted a law imposing a head tax of $1 upon every alien arriving in New York City. This law met the fate of former legislation of this nature and was declared unconstitutional in the case of The People *v.* The Compagñíe Générale Transatlantique (107 U. S., 59). Mr. Justice Miller again delivered the opinion of the court, which was unanimous.

THE IMMIGRATION LAW OF 1882.

Congress having taken no action, President Arthur, in his annual message, December 6, 1881, called attention to the subject of immigration, saying:

In 1875 the Supreme Court of the United States declared unconstitutional the statutes of certain States, which imposed upon shipowners or consignees a tax

[a] H. R. 2408 (H. Rept. No. 1), Forty-sixth Congress, second session.
[b] House Report No. 1, Forty-sixth Congress, second session.

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of $1.50 upon each passenger arriving from a foreign country, or in lieu thereof requiring a bond to indemnify the State and local authorities against expense for the future relief or support of such passengers. Since this decision the expense attending the care and supervision of immigrants has fallen on the States at whose ports they have landed. As a large majority of such immigrants immediately upon their arrival proceed to the inland States and the Territories to seek permanent homes, it is manifestly unjust to impose upon the State whose shores they first reach the burden which it now bears. For this reason and because of the national importance of the subject I recommend legislation regarding the supervision and transitory care of the immigrants at the port of debarkation.

April 6, 1882, Mr. Van Voorhis, of New York, introduced a bill[a] to regulate immigration. It was referred to the Committee on Commerce, and on June 19, 1882, a substitute bill (H. R. 6596) was reported and passed the House on the same day by a vote of 116 to 16. Later it was found that the wrong bill had been substituted, and on June 21 it was resolved to recall the bill from the Senate. It was returned June 23, and on June 27 another substitute was introduced and passed (H. R. 6677). This passed the Senate without amendment on July 29 and was approved August 3, 1882.[b]

The enactment of a Federal immigration law at this time was largely a result of the continued efforts of the people of New York to secure such legislation and their refusal to continue paying the expenses of keeping Castle Garden open. Mr. Guenther, a Representative from Wisconsin, said:[c]

> While I would be perfectly willing to have the State of New York pay the expenses of keeping Castle Garden open for the purpose of receiving immigrants, still I recognize the fact which has been clearly demonstrated within the last week, that unless this bill becomes a law Castle Garden will be closed, and the immigrants will be landed in the streets and become easy prey of heartless and rascally land sharks, against whose miserable tricks they are fortunately protected to a great extent.

The provisions of this, the first general immigration law, were, first, that a head tax of 50 cents should be levied on every passenger not a citizen of the United States coming by steam or sail vessel from a foreign port to any port within the United States: the money thus collected to be used to defray the expenses of regulating immigration and for the care of immigrants arriving in the United States, and of such as might be in distress after landing, no more being expended at any port than shall have been collected at such port; second, the Secretary of the Treasury was charged with executing the provisions of the act, and for that purpose he was given power to enter into contracts with such state officers as might be designated by the governor of any State to take charge of the local affairs of immigration within said State; third, that foreign convicts, except those convicted of political offenses, lunatics, idiots, and persons likely to become public charges should not be permitted to land.

In this law the National Government did not take full control of the matter, but allowed the governors of the States to say who should administer it locally. No mention was made of overland immigration. In 1884, by act entitled "An act to remove certain burdens on the American merchant marine and encourage the Amer-

[a] H. R. 5669, Forty-seventh Congress, first session.
[b] See Appendix B, p. 97.
[c] Congressional Record, Forty-seventh Congress, first session, part 1, p. 5113.

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ican foreign carrying trade,"[a] passengers coming in vessels employed only in trade between the ports of the United States and the ports of Canada and Mexico were exempted from the provisions of the act of 1882. This act was held constitutional in the Head Money cases. (112 U. S., 580.)

THE FIRST CONTRACT-LABOR LAW.

One of the earliest methods[b] by which immigration to the United States was stimulated was that of advertising abroad for laborers. It is said the practice began in 1869. Advertisements offering inducements to immigrants to proceed to the bituminous coal fields of western Pennsylvania were carried in New York newspapers, and these announcements frequently were copied by European papers. It is said that usually when such advertisements appeared in the New York newspapers stating that several hundred men were needed in a certain place there were no vacancies, the object of the advertisement being to send more laborers into the coal regions than were necessary, so that when two men were seeking the same situation they would be more likely to work for reduced wages.

In the first general session of the Knights of Labor, held in Reading in 1878, this subject was discussed, and it was finally decided not to insert anything in their preamble against the importation of any class of laborers, because their principles theoretically demanded that they extend welcome to all.

But with the growth of labor organizations investigations into the subject showed that land-grant companies, steamship companies, and manufacturers had agents all over Europe advertising for laborers. Then workingmen began to question whether it was wise to support a policy which made it possible for the employer to flood the market with foreign laborers to compete with them. They could not see why the articles made abroad by foreign workmen could be landed here only upon payment of a duty, while the foreigner himself was allowed free entry.

To fight an agreement of the manufacturers of window glass to import foreign laborers to take the place of native-born Americans, in 1883, the Knights of Labor drafted a bill[c] forbidding the importation under contract of foreign workmen, and January 14, 1884, Mr. Ferrel, of New Jersey, introduced it in the House of Representatives. Another bill to prohibit the importation of foreign labor (H. R. 2550) had been introduced a few days before by Mr. Foran, of the Committee on Labor. On February 24, 1884, Mr. Foran's bill was reported[d] back with a recommendation that it pass.

The committee found that the evils complained of and sought to be remedied actually and to an alarming extent existed. They declared that the foreigner who voluntarily and from choice left his native land to settle in this country with the intention of becoming an American citizen was welcome. No one was injured by his coming; instead the state was benefited. The bill in no measure sought to restrict such immigration. Its object was to restrain and prohibit the

[a] 23 Stat. L., p. 58.
[b] Powderly, Thirty Years of Labor, pp. 427–451.
[c] H. R. 3313, Forty-eighth Congress, first session.
[d] House Report No 444, Senate Report No. 820, Forty-eighth Congress, first session.

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importation of a class of persons who would never immigrate here but for the inducements of men whose only object was to obtain labor at the lowest possible rate, regardless of the social and material well-being of our own citizens.

After several amendments, one of which provided "that nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States," the bill was passed by the House June 19, 1884.

In the Senate, July 5, 1884, action upon the bill was postponed until December, and on February 13, 1885, the bill was brought out of committee, and after brief consideration it passed the Senate February 18 by a vote of 50 to 9, and was approved by the President February 26.[a] After the bill had passed the House a general assembly of the Knights of Labor held in Philadelphia declared against the importation of foreign labor. The question of the bill received considerable attention, and later, when its progress was delayed in the Senate, the organization became impatient. On January 14, 1885, their general officer sent a letter to the Senate requesting the passage of the bill. In closing his letter, he said: "Do not think that I call your attention to this matter upon my own responsibility. I but obey the request of the 700,000 workmen who respectfully ask for the speedy passage of this bill."[b]

The contract-labor act of 1885 made it unlawful for any person to assist or encourage in any way the importation or migration of any foreigner into the United States under any kind of a contract to perform labor or service here, and it further provided that all such contracts should be null and void.

The penalty for violating the law was a fine of $1,000 upon the solicitor or importer of immigrants, to be recovered by the United States or the person who should first bring his action, including any alien who was a party to such a contract.

The master of any vessel knowingly bringing any foreigner under contract of labor was liable to a fine of $500 and imprisonment for six months for each alien so brought.

Skilled workmen to perform labor in any new industry, provided that such labor could not otherwise be obtained, were excepted from the provisions of the act, as were professional actors, artists, lecturers, singers, and personal or domestic servants. It was also provided that any individual could assist any relative or personal friend to migrate here for the purpose of settlement.

The act of 1885 was defective in that no inspection was provided for, nor was any arrangement made for the general execution of the provisions of the law or for the deportation of the contract laborer himself. Labor organizations, and especially the Knights of Labor, were instrumental in bringing these defects to the attention of Congress, and Mr. O'Neill, of Missouri, introduced the bill[c] to amend the law. Its purpose was simply to make the law operative. It passed the House July 15, 1886, and the Senate in the following February. It was approved by the President February 23, 1887.[d]

[a] Appendix C, p. 125 (23 Stat. L., p. 332).
[b] Powderly, Thirty Years of Labor.
[c] H. R. 9232 (H. Rept. No. 2901), Forty-ninth Congress.
[d] Appendix C, p. 126 (24 Stat. L., p. 414).

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By this amendment the Secretary of the Treasury was given the same power to exclude and deport contract laborers that he had been given under the act of 1882 over criminals, paupers, idiots, and lunatics.

Again, in the deficiency bill approved October 19, 1888,[a] the act of 1885 was amended and the Secretary of the Treasury was given power to return within the year any immigrant landing contrary to this law, and at the expense of the owner of the vessel bringing such immigrant, or if they came from adjoining territory then at the expense of the person previously contracting for his services. The Secretary was also authorized "to pay to an informer furnishing original information that the law had been violated such a share of the penalties recovered as he may deem reasonable and just, not exceeding 50 per cent, where it appears that the recovery was had in consequence of the information thus furnished."

From 1882 until 1888, besides the passage of the contract-labor laws referred to, there was little attempt at other immigration legislation. Numerous bills in amendment of the laws of 1882 were introduced in Congress, but no consideration was given them or action taken.

SENTIMENT TOWARD IMMIGRATION.

During the eighties, immigration having reached enormous figures, there was a quite general sentiment throughout the country that something should be done to check the foreigner from coming in such numbers. The following editorials from newspapers in various sections of the country illustrate the prevailing feeling:[b]

Minneapolis Journal: We have indulged the false sentiment about the United States being the land of refuge for the oppressed of the world long enough. It is time to set some bounds of reason to our welcome, and to make some discrimination between those who seek the shelter of our shores. We are not called upon to receive the vicious and the ignorant, the paupers, and the criminals of Europe and Asia in limitless quantity, to the everlasting advantage of the countries from which they come, and to the constant danger of our own institutions; but we are called upon by every feeling of love for our country and every sense of justice and devotion to our hallowed institutions to shield them from the dangers which threaten from the side of unrestricted immigration. If we must be ruled in this matter by sentiment and be governed by generosity, there is room for it on the safe side. We owe it to ourselves, we owe it to the honest, law-abiding foreigner whom we do welcome, and we owe it to the world that here republican institutions shall be given a fair chance to justify the wisdom and hope upon which they were founded. With a prospect before us for the heaviest foreign immigration in 1887 ever known in a single year, the importance of some protection against the continued and prospectively increased inflow of "the Cazzaroni and the criminals" of Europe can scarcely be overestimated.

New Orleans Picayune: The work people in America are not in a thoroughly prosperous condition, and there are already many out of employment. We would be glad to welcome the distressed people of all nations, but it must be admitted, under existing circumstances, the wholesale immigration from the Old World is not the unmixed blessing it was so long held to be.

Ohio State Journal: What statesman will be wise enough to sift the hundreds of thousands of emigrants crowding over from Europe and say which, in justice to ourselves and to them should be admitted, and which, in the exercise of the sacred right of self-protection, should be excluded? Fortunately,

[a] 25 Stat. L., p. 565.

[b] These are taken from Public Opinion, Vol. III, pp. 97, 196, 249, 336, 356 (1887).

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it is a question upon which there is not likely to be any division upon party lines. Wise men of all parties belonging to the industral elements of our population are asking for relief. Nor will the sympathies of our foreign-born population necessarily be arrayed against some wisely discriminating measure of restriction. It is a significant fact that certain measures taken last winter by the State of Wisconsin to discourage the influx of certain classes of foreigners into that State were heartily and earnestly supported by the larger portion of Wisconsin's Scandinavian and German citizens, and Wisconsin, whose population is so largely foreign born, was, we believe, the first State in the Union, certainly the first of all the Western States, to forbid unnaturalized citizens from acquiring real estate within her limits. The last measure is not mentioned for the purpose of approving it. It is a measure that goes too far, both as to principle and policy. We only refer to it as an evidence that our present foreign-born population, as well as the native-born, is alive to the dangers that may spring from the crowding to our shores of undesirable elements from Europe, and that the discussion of how best to restrict that emigration will not excite the hostility of foreign-born American citizens.

Baltimore News: Immigration must be restricted, if not entirely prohibited.

Springfield (Mass.) Republican: We have now a larger alien element than is safe, and ought to have 20 years to digest and assimilate it.

New York Commercial Advertiser: One of the first things to be done in this country in the near future is to put a stop to indiscriminate immigration.

San Francisco Bulletin: Public opinion is undergoing a radical change on the general question of welcoming to our shores all grades of Europeans, and, having already decreed the rejection of paupers and criminals, will readily adopt the rule that to secure admission to the United States the immigrant must not only be of decent character and with some present means of support, but must also be of sound mind and of sufficient intelligence to offer a reasonable guaranty that he will not become a charge upon public charity.

Omaha Republican: Voluntary immigration is welcomed to this country—men and women who come of their own accord, to better their fortunes, and who are willing to work to that end. Even though many do not bring money in their pockets, they add to the wealth of the country in brawn and brain and heart and spirit. But the criminals, paupers, and imbeciles who are "assisted" here levy a tax upon honest and industrious people for their support, and their presence, under the circumstances, is an insult to the Nation.

However, that all sentiment was not unfavorable to the immigrant is shown by the following newspaper editorials. Favorable comment was usually more guarded than the unfavorable, and always the desire was for the "worthy" immigrant. And, too, the South seemed more ready to favor immigration, because of the need of labor to open up and develop new industries. This is seen in the first editorial:

Memphis Appeal: They can come and welcome. Overcrowded as many of our cities are, there is still room for these hard-working, honest people, especially here in the South, where manufactures are in their infancy, and there is abundant opportunity for labor as well as capital.

New York World: The United States is yet the most sparsely populated by far of the great civilized countries. Since it became a nation, a hundred years ago, immigration has been largely instrumental in making it what it is. Its powers of assimilation are very great, and immigrants become heart and soul American citizens with marvelous unanimity. We are the last people in the world to stop immigration. It would be a heartless, injurious, and stultifying act. The anti-immigration party will be a very short-lived one.

Laboring men continued their campaign against foreign contract labor, and in a party convention, held in Cincinnati, May 15, 1888, the following plank was adopted: "We demand the strict enforcement of all laws prohibiting the importation of subjects of foreign countries under contract."

The American Party also demanded a restriction of immigration, declaring that "one of the greatest evils of unrestricted foreign immigration is the reduction of the wages of the American workingman

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and workingwoman to the level of the underfed and underpaid labor of foreign countries." The remedy suggested was consular inspection and a tax of $100 on every passport issued to an alien coming to the United States.

On July 12, 1888, the House of Representatives passed a resolution in which note was taken of the charges of prominent journals that the laws prohibiting the importation of contract laborers, convicts, and paupers were being extensively evaded owing to the lack of machinery to enforce them. This resolution authorized the appointment of a select committee to investigate the matter.

INVESTIGATIONS OF THE FORD COMMITTEE.

This committee, known as the Ford committee, consisted of Messrs. Ford, of Michigan (chairman); Oates, of Alabama; Spinola, of New York; Guenther, of Wisconsin; and Morrow, of California.

The report[a] of this committee was made at the following session of Congress. A bill (H. R. 12291) accompanied the report. The report alleged that there were thousands of alien paupers, insane persons, and idiots annually landed in this country, who became a burden upon the States where they happened to gain a settlement; that many of these were assisted to emigrate by the officials of the country from whence they came; that the number of persons not lawfully entitled to land in the United States who came in by the way of the Canadian frontier was large, and was becoming a matter of serious danger, the testimony showing that in many instances immigrants coming by steamer to Quebec had within 48 hours after their arrival there been applicants for shelter in the almshouses of the State of New York. This was probably the first time that serious attention was called to the matter of overland immigration.

The committee also declared that the law of 1882 as regards the excluding of convicts had been and was being repeatedly violated, and to such an extent that it demanded remedial legislation. The contract-labor law was easy to violate and conviction hard to secure. To remedy these defects they recommended that the enforcement of all acts relating to the regulation of immigration be intrusted solely to the Federal Government rather than to State authorities, as was provided by the law of 1882.

The committee praised the immigrant of the past, but said that it could not praise the immigrant then coming. The idea of selection was emphasized, and it was asserted that "the time had come to draw the line and to select the good from the bad, because the country could not properly assimilate them."

Besides excluding idiots, paupers, lunatics, and convicts, the bill proposed by the Ford committee added to the excluded classes polygamists, anarchists, and persons afflicted with a loathsome or dangerous contagious disease. The provisions of the contract-labor law were also incorporated in the bill. It provided that any person found in the United States, having come contrary to law, could be deported within two years at the expense of the transportation company bring-

[a] House Report No. 3792, Fiftieth Congress, second session. Testimony taken by this committee is found in House Mis. Doc. No. 572.

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ing him. All aliens were also required to bring a consular certificate of emigration showing they were not among the classes excluded by the United States law.

Though the general feeling of Congress and of the country at large at this time was in favor of some measure which would regulate or restrict immigration, no agreement was reached as to the form it should take, and the legislation recommended by the Ford committee was not enacted.

IMMIGRATION COMMITTEES ESTABLISHED.

Congress, however, realized that legislation was needed and continued an investigation of the subject. On December 12, 1889, a standing committee on immigration in the Senate and on December 20, 1889, a select committee on immigration and naturalization in the House were established. And, looking to a thorough revision of the immigration laws, on March 12, 1890, the House concurred in the following resolution:

That the Senate Committee on Immigration and the House Select Committee on Immigration and Naturalization be, and hereby are, authorized jointly to investigate the workings of the various laws of the United States and of the several States relative to immigration from foreign countries to the United States, especially the law of Congress "to regulate immigration," approved August 3, 1882; and also to investigate the workings of the contracts made by the Secretary of the Treasury under said law of August 3 with the various State commissioners, boards, and officers; and also to investigate the effect on immigration, and incidentally on American workingmen, which is likely to follow the purchase of American industries by foreign capital; and also to report to Congress the official correspondence on the proposal to make Bedloes (Liberty) Island, in the harbor of New York, an immigrant depot, what title the Government has to such island, what buildings, if any, are intended to be built on said island, and what officers and employees it is designed to employ thereon in connection with such immigration, and whether, in the opinion of the committees, after investigation, such island is the best and most suitable place for such immigrant depot, the investigation being conducted at such times and places as said committees may deem proper, etc.

Various reports[a] were submitted by this joint committee. A bill was agreed upon and introduced in the Senate (S. 5035) and in the House (H. R. 13586) during the second session of the Fifty-first Congress.

The conclusion of the committee was that a radical change in the immigration laws was not advisable, though they had found throughout the country a demand for a stricter enforcement of existing laws. During 1890 one or more political parties in 23 of the States had demanded additional regulations of immigration.

The investigation of the joint committee showed that large numbers of immigrants were being landed every year in violation of the law of 1882, the chief cause of which was the divided authority provided for the execution of the immigration act. Since the Secretary of the Treasury had to act through State boards or commissions, the operation of the law became cumbersome and uncertain, as there was no single responsible head.

[a] Senate Reports Nos. 936 and 1095, House Report No. 4048, Fifty-first Congress, first session; Senate Report No. 2165 and Senate Miscellaneous Document No. 88, House Reports Nos. 3472, 3807, and 3857, Fifty-first Congress, second session.

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The contract-labor law was found to be generally evaded. Very few persons were ever sent back under it, because those coming under contract were so well "coached" that it was practically impossible to detect them as such. Then, there were other ways of evading it. Agents were sent to Europe to arouse interest in America by circulating glowing descriptions of the wages paid here and the great fortunes to be made. The agent entered into no contract with laborers abroad, but made such promises as influenced them to come. Neither was the evil coming from foreign advertising eliminated by the labor laws in force. When differences arose between employers and employees, advertising abroad for men was still of common occurrence. The workmen here were then brought to terms or the market became overflooded with labor and wages were reduced.

It was also found that steamship companies had large numbers of agents in Europe soliciting passengers. It was claimed in some of the testimony presented to the committee that as many as 25 per cent of the immigrants landed came in violation of the contract-labor law, and influenced by representations of the agents of carrying companies.

Immigration through Canada was again considered, and it was declared that 50,000 European immigrants had landed in Canada and reached the United States by this route. They thought it impossible to keep them all out, but recommended that inspectors be located at two points.

The bill presented by the committee aimed to correct these faults in existing law. As it was presented it received rather general favor, the only opposition to it being on the part of the ultrarestrictionists, who tried to have substituted H. R. 58, which raised the head tax from 50 cents to $1 and provided for a thorough consular examination. They even suggested putting the head tax up to $5, but concluded this was not a proper provision, because "If it is intended to put the head tax high enough to limit immigration, to restrict it, to prevent the poorer classes from coming to this country, $5 is not enough to effect that. It ought to be higher. If the object of the head tax is merely to pay the expenses of the administration of an effective system of inspection, $1 would be sufficient."[a] This substitute bill was defeated by a vote of 207 to 41. The bill of the committee passed the House February 25, 1891, by a vote of 125 to 48, and February 27 it passed the Senate without discussion. It was approved March 3, 1891.[b]

THE IMMIGRATION LAW OF 1891.

The purpose of the immigration act of 1891 was to provide for the better selection of immigrants rather than the restriction of immigration. The head tax, being considered merely as a means of raising money for the proper administration of the law, was left at 50 cents, as provided in the law of August 3, 1882, since at that rate it had been sufficient to pay all the legitimate expenses it was designed to meet and leave a surplus.

[a] Mr. Oates, of Alabama, Congressional Record, Fiftieth Congress, second session, p. 2947.

[b] See Appendix B, p. 98 (26 Stat., p. 1084).

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In addition to those excluded under the act of August 3, 1882, convicts, lunatics, paupers, and idiots, also persons suffering from loathsome or contagious disease, polygamists, and persons assisted by others to come, unless under special inquiry they were found not to belong to any one of the excluded classes, were excluded by the act of 1891.

To strengthen the contract-labor law, the encouragement of the immigration of foreigners by promise of employment through advertisements published in any foreign country was made a violation of this act. This provision, however, did not prevent States from advertising the inducements they offered for immigration. All transportation companies were forbidden, either by writing, printing, or oral representation, to solicit, invite, or encourage the immigration of any alien into the United States except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and the terms and facilities of transportation.

Ministers, professors of colleges, and members of any recognized profession were excepted from the provisions of the contract-labor clause and these, with skilled workmen, professional artists, lecturers, actors, singers, and personal or domestic servants, completed the list of those who could come into the United States under contract to perform some kind of service. Any person aiding in bringing in any alien excluded by law was guilty of a misdemeanor and became liable to a fine of $1,000 or imprisonment for not more than a year or both.

It now became the duty of the commanding officer of every vessel bringing alien immigrants to report to the proper inspection officers the name, nationality, last residence, and destination of all such aliens; all decisions of the inspection officers refusing any alien the right to land were final unless appeal was taken to the Secretary of the Treasury; the medical examinations of immigrants at United States ports were to be made by surgeons of the United States Marine-Hospital Service, and for the first time inspection of immigrants on the borders of Canada and Mexico was provided for, the Secretary of the Treasury being empowered to prescribe rules for such inspection.

Another provision not found in the law of 1882 was that which allowed the return within a year after arrival of any alien who had come into the United States in violation of law, such return being at the expense of the transportation company or persons bringing such aliens into the country. Any alien becoming a public charge within one year after arrival was considered to have come in violation of law. Finally the office of superintendent of immigration was established, and this office was given the entire charge of all immigration matters, aside from the enforcing of the Chinese-exclusion act, under the supervision of the Secretary of the Treasury.

Thus it is seen that this law attempted to codify the existing laws; Federal control was completely and definitely established; the clauses relating to exclusion were extended and strengthened; more complete provisions were made for inspection and deportation; and an attempt was made to regulate overland immigration.

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THE INVESTIGATIONS OF 1892.

The industrial depression following shortly after the passage of the act of 1891 resulted in renewed efforts for the restriction of immigration. Both the Republican and Democratic Parties in their conventions in 1892 adopted planks favoring the further restriction of immigration, as follows:

REPUBLICAN.

We favor the enactment of more stringent laws and regulations for the restriction of criminal, pauper, and contract immigration.

DEMOCRATIC.

We heartily approve all legitimate efforts to prevent the United States from being used as the dumping ground for the known criminals and professional paupers of Europe, and we demand the rigid enforcement of the laws against Chinese immigration, or the importation of foreign workmen under contract, to degrade American labor and lessen its wages, but we condemn and denounce any and all attempts to restrict the immigration of the industrious and worthy of foreign lands.

The immigration question also continued to receive its full share of attention in Congress, and although the new law had been in force less than one year, on January 29, 1892, a joint committee of the two Houses was charged with investigating the various Federal laws relative to immigration and the importation of contract laborers. This committee reported to Congress on July 28 of the same year.[a] The committee found that many undesirable immigrants were being permitted to land who, under a proper and reasonable construction of the laws, should have been refused admission. This was partly because the old custom of receiving bonds that persons should not become public charges was still continued. Though this might have been allowable under the law of 1882, they considered it illegal under the law of 1891. They also came "to the conclusion that the law permitting the Commissioner of Immigration at any port to be the sole arbiter as to whether an immigrant shall land or not, with an appeal in favor of the immigrant in case he is not permitted to land and no appeal in case he is unlawfully permitted to do so, should be changed." In recommending a more careful inspection of arriving immigrants, they said that what theretofore had been called examinations appeared to be "more of a farce than a reality." To remedy this they proposed that whenever an inspector was in doubt regarding the right of an immigrant to land he might detain him for a special inquiry conducted by four inspectors, the favorable decision of three of them being necessary to admit. Finally, the committee decided that an examination should be made at foreign ports of embarkation by the captain and surgeon of the ship bringing him, thus making the steamship and transportation lines responsible for the character of the persons they bring.

Bills embodying the recommendations of the committee were introduced in the Senate and the House.[b] The Senate bill was passed

[a] House Report No. 2090, Fifty-second Congress, first session.

[b] S. 3240 (S. Rept. No. 787), H. R. 8904 (H. Rept. No. 1573), Fifty-second Congress, first session.

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without debate on July 27, 1892, but the House took no action at that session.

During the same session the Senate undertook an investigation, having passed the following resolution on July 16, 1892:

That the Committee on Immigration be empowered to investigate the workings of the laws of the United States relative to immigration from foreign countries and the importation of contract labor into the United States, and of the laws and prevailing methods of naturalization.

The result of this investigation was reported to the next session of Congress.[a] Accompanying the report were two bills, one (S. 3786) proposing additional regulations concerning immigration and the other (S. 3513) prohibiting immigration for one year. The reason for the latter bill was the epidemic of cholera then prevailing in Europe.

The bill declaring for the total suspension of immigration for one year, simply to "defeat the arrival of cholera within our borders," however, was deemed too severe, and instead the following provision, which is still in force, was inserted in the general quarantine act:[b]

That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or other infectious or contagious disease in a foreign country there is a serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded in the interest of the public health, the President shall have the power to prohibit, in whole or part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary.

The other bill is interesting in that for the first time restriction of immigration by means of the educational test was recommended. Along with "persons blind or crippled, or otherwise physically imperfect, so that they are wholly or partially disabled from manual labor," and "persons belonging to societies which favor or justify the unlawful destruction of property or life," the majority of the committee proposed and incorporated in their bill a clause excluding—

all persons physically capable and over twelve years of age who can not read and write with reasonable facility their own language, except that an aged person not so able to read and write who is the parent or grandparent of an admissible immigrant may accompany or be sent for by such immigrant.

The bill also provided for a complete passenger list or manifest made out by the passengers themselves.

In regard to a plan of consular inspection of immigrants, the committee said that while not deeming it expedient to report a provision making it compulsory, they would submit as section 3 of the proposed law a plan for issuing a consular certificate when any person chose to apply for one, in which case upon arrival here he would be subjected to a less rigid examination than if coming without such certificate.

The principal arguments against this bill were that the law of 1891 had been in force only a brief period and its operation as yet had only been of an experimental character. Instead of passing a new law it was argued that it would be better to bring about a more

[a] House Report No. 1333, Fifty-second Congress, second session.
[b] 27 Stat. L., p. 452.

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perfect enforcement of the spirit of the existing law. The objection to the educational test was that the demand of the country was not for skilled and educated labor, but "for a class of brawn and muscle to assist in agriculture and in the line of their work to aid in the development of the almost boundless resources of the great West and South." It was further argued that the country was not demanding the exclusion of any but criminals and paupers.

While there were some who favored even a more radical restriction than was proposed in the committee bill, the idea of a better enforcement of the existing laws prevailed, and while the committee's recommendations resulted in a revised immigration law, which was approved March 3, 1893,[a] it was by no means radical.

THE IMMIGRATION LAW OF 1893.

The immigration act of 1893 required the captain or commanding officer of all vessels bringing alien immigrants to deliver upon arrival to the proper immigration official lists of all immigrants aboard their ship. It was further required that these lists be signed and sworn to before the United States consul at the port of departure; their sworn statement being to the effect that, after a personal examination of all the passengers, no persons belonging to classes excluded by United States laws were included in the list.

In regard to each immigrant the list gave the full name, age, and sex; whether married or single; the occupation; whether able to read or write; the nationality; the last residence; the seaport of landing; the final destination; whether having ticket through to such destination; who paid his passage; whether in possession of money; and if so, whether upward of $30; whether going to join a relative; and if so, his name and address; whether ever before in the United States; whether ever in prison or an almshouse; whether under contract to perform labor; and what is the immigrant's health, mentally and physically, and whether deformed or crippled.

No longer would the word of one inspector exclude an immigrant. It now became his duty to detain for special inquiry every immigrant whom he did not think, beyond a doubt, entitled to admission. Special inquiries were to be conducted by not less than four inspectors, and to admit, a favorable decision by at least three of them was necessary.

Bonds that no alien should become a public charge were allowed to be received only upon express authority given by the Secretary of the Treasury in each special case.

Transportation companies engaged regularly in carrying immigrants were required to certify twice a year to having kept exposed in the office of each of their agents in foreign countries a copy of the law of 1891 and all subsequent laws relating to immigration, and that they had instructed their agents to call the attention thereto of all persons before selling them tickets.

The subject of immigration, however, continued to be agitated in Congress, and on April 5, less than five weeks after the approval of the law of 1893, the Senate passed a resolution which provided—

> That the Committee on Immigration be authorized and directed to make inquiry into the condition and character of the alien immigrants coming into

[a] Appendix B, p. 101 (27 Stat. L., p. 569).

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the United States for the purpose of supplying labor for the coal, iron, and other mines of the country, and further to inquire whether the laws against the admission of laborers under contract are effectually enforced, etc., and also generally to inquire into the workings of the law of March 3, 1893.

Since the law of 1893 was not yet in force, it is easily seen that Congress was not wholly satisfied that the existing laws were sufficient. During this Congress, as in the previous one, the principal attempt at legislation was in trying to secure a more rigid inspection of immigrants with a view to preventing the immigration of undesirables. The plan especially urged was that of consular inspection. Such a bill[a] was introduced in the House of Representatives by Mr. Stone, of Pennsylvania, on January 16, 1894.

On July 20, 1894, Mr. Stone's bill passed the house without debate. The purpose of this bill, as declared in the committee report[b] upon it, was to prevent the admission of criminals and paupers into this country as immigrants. They were excluded by the present laws, but the committee held that the examination on the arrival of the immigrants was, necessarily, wholly insufficient to determine whether the immigrant belongs to the excluded class or not, and that there was no reason why the immigrant should be brought 3,000 or 4,000 miles to determine whether he was admissible or not, and that if he was not admissible it would be much better for him to know that fact before he embarked at a foreign port for the United States.

Consular inspection of immigrants, however, was not generally in favor in the Senate. One ground of objection stated by Senator Hill, of New York,[c] being that it was not wise—

to have two departments of the Government meddling with the same subject, but that it is best that to the Treasury Department, which is intrusted under existing laws with the carrying out of the immigration system, should be given whatever authority is to be given, and that the Department of State, which has charge of the Consular Service, should have nothing to do with it.

The Senate, following the advice of the Secretary of the Treasury, amended Mr. Stone's bill so that it provided for an inspection abroad by United States Treasury agents instead of by consuls.

Senator Lodge, of Massachusetts, opposed the Senate's amendment substituting Treasury agents for consular officers, saying in a debate upon the bill—[d]

that they have no powers at all on the other side of the water. The Senator from New York says that they will examine the manifests; that they will go on the ships and examine the immigrants. That is purely a permissive right. They go on if the owner of the ship allows them to go and look at the manifest. They are clothed with no authority whatever. I do not mean to say that they would not do some good and effective work. I think they would. I think also they would probably in practice be allowed to inspect the immigrants and to send out a great deal of valuable information such as the Senator from New York has described, but I think it is distinctly an inferior method to that proposed in the bill as passed by the other House.

No agreement was reached in the conference on the bill between the two Houses. In the Senate, as a result of the action of this conference, another bill (S. 2314) was introduced by Senator Hill, of

[a] H. R. 5246, Fifty-third Congress, second session.
[b] House Report No. 416, Fifty-second Congress, second session.
[c] Congressional Record, Fifty-third Congress, second session, p. 8235.
[d] Congressional Record, Fifty-third Congress, third session, p. 8237.

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New York, to provide for the exclusion of alien anarchists, such a provision having been added to the first bill in the Senate. This bill passed the Senate on August 16, 1894, but the House did not consider it.

Consequently the only legislation of the Fifty-third Congress affecting immigration was found in the appropriation acts of 1894 and 1895.[a] The act of 1894 increased the head tax on immigrants from 50 cents to $1; provided that the decisions of appropriate immigration by customs officers, if adverse to the admission of an alien, should be final unless reversed by the Secretary of the Treasury, and provided for the appointment by the President of commissioners of immigration at various ports of arrival. By the act of 1895 the designation of the Superintendent of Immigration was changed to Commissioner-General of Immigration, and in addition to his other duties he was given charge of the enforcement of the contract-labor laws.

THE AMERICAN PROTECTIVE ASSOCIATION.

It is necessary here to refer to the American Protective Association, a phase of the old Know Nothing movement, which became active at about this period. It was a secret organization, and like the earlier one it was formed for the purpose of making itself felt in the elections. The Junior Order of United American Mechanics and Patriotic Sons of America were claimed as sympathizers and cooperators.[b]

The reasons for the formation of this organization were stated by its president as follows:[c]

1. That the spirit of the National Constitution was being violated in various ways by certain persons and bodies in the United States.
2. That certain members and sections of the National Government were in connivance with the said violators.
3. That the conditions governing our national immigration were such as to weaken our democratic institutions and form of government and to substitute therefor a system of government not in harmony therewith.
4. That the immigrant vote, under the direction of certain ecclesiastical institutions, had become so dominant a factor in politics as to virtually control it.
5. That this domination had resulted in political prostitution, corruption, and favoritism of the worst kind.
6. That the great majority of the American people, while painfully cognizant of the sinister and debasing results of these conditions, and desirous of amending them, were either ignorant of any efficient means of counterorganization, or fearful of their personal interests at the hands of their powerful and organized opponents.

It would seem from the above that the movement was directed against immigrants only as they were Catholics.

Up to 1893 the membership of the "A. P. A.," as it was commonly known, never exceeded 70,000. But in the two following years it became firmly planted and, according to the president of the society, was instrumental in overturning the entire political machinery in New York, Massachusetts, Michigan, Missouri, Tennessee, Kentucky, Ohio, and Iowa, and of California, Minnesota, Pennsylvania, Wis-

[a] 28 Stat. L., pp. 390, 391, and 780.
[b] J. H. Hopkins, Political Parties in the United States, p. 195.
[c] Policy and Power of the A. P. A. W. J. H. Traynor, president of the American Protective Association, North American Review, vol. 162.

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consin, Washington, and Oregon in part.[a] It is said that in the Fifty-fourth Congress nearly 100 Members were pledged to support the platform of the order, but, says Mr. Traynor, "it would be unfair, as it is untrue, to say that the great majority of these were honestly the friends of the American Protective Association, or imbued with the principles of the organization," for, he continues, "many accepted A. P. A. principles as a means to the end of obtaining A. P. A. votes."[a]

In 1896 the association claimed a membership of nearly 2,500,000 persons. At this time it seemed probable that it would grow in influence and power, but in reality it never went beyond the stage of being an agitation. The reaction soon set in and its decline was even more rapid than its rise.

LITERACY TEST FAVORED BY CONGRESS.

In the Fifty-fourth Congress the principal immigration bill under discussion provided for an educational test. In December, 1895, such a bill[b] was introduced in the Senate by Mr. Lodge, of Massachusetts, and in the House by Mr. McCall, of Massachusetts. As introduced this bill provided that there should be added to the excluded classes—

all persons between fourteen and sixty years of age who can not both read and write the English language or some other language.

On April 2, 1896, Mr. Bartholdt, from the Committee on Immigration, reported a substitute for Mr. McCall's bill.[c] The substitute provided that no—

male person unable to read and write his own language be admitted to the United States, excepting children under the age of sixteen years, and parents of persons now living in or hereafter admitted to this country.

On February 18, 1896, Mr. Lodge's bill was reported adversely in the Senate and a substitute introduced.[d] The substitute provided that there should be excluded—

all persons over fourteen years of age who can not read and write the language of their native country, or some other language, except that an aged person not so able to read and write, who is the parent of an admissible immigrant, may accompany or be sent for by each immigrant.

The House substitute bill passed that body on May 20, 1896, by a vote of 195 to 26, after being amended by the addition of three sections dealing with the coming of Canadians across the border to perform daily labor in the United States. This amendment made it unlawful for any alien—

to be employed on any public works of the United States, or to come regularly into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor for wages or salary, returning from time to time to a foreign country.

The Senate did not act on the House bill during this session, nor did it consider the Senate bill. Early in the following session, how-

[a] W. J. H. Traynor, North American Review, vol. 162.
[b] S. 301 and H. R. 9, Fifty-fourth Congress.
[c] H. R. 7864 (H. Rept. No. 1079), Fifty-fourth Congress.
[d] S. 2147 (S. Rept. No. 290), Fifty-fourth Congress.

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ever, December 17, 1896, the House bill with amendments passed the Senate by a vote of 52 to 10. The House disagreed to the Senate amendments and asked for a conference. After two conference reports, the House disagreeing to the first, the bill was finally passed, the second conference report being adopted in the House on February 9, 1897, by a vote of 217 to 36, and in the Senate on February 17 by a vote of 34 to 31.

As the bill went to the President it provided for the exclusion from the United States of persons physically capable and over 16 years of age who could not read and write the English language or some other language; parents, grandparents, wives, and minor children of admissible imigrants being excepted.

The basis of the argument for the educational test can be found in the following quotation from the Senate report on the subject:

The illiteracy test will affect almost entirely those races whose immigration to the United States has begun within recent times and which are most alien in language and origin to the people who founded the 13 colonies and have built up the United States; that it would tell most heavily against those classes of immigrants which now furnish paupers, diseased and criminal, excluded by existing law, and is therefore a continuance of the present policy of the United States which has met with general acceptance; that the immigrants who would be excluded by the illiteracy test do not go out into the Western and Southern States, where immigration is needed, and become an agricultural population, but remain almost entirely in the Atlantic States and in the great centers of population, where the labor market is already overcrowded; that the illiterate immigrants who would be excluded by the bill proposed by the committee are largely congested in great cities and furnish a large proportion of the slum population; that the illiteracy test would shut out those classes of immigrants which statistics show contribute most heavily to pauperism and crime and juvenile delinquents, and that with two exceptions none of the excluded races, as shown by the letters of the governors of the different States, are desired in 26 States of the Union from which reports have been received. In one word, it may be said that this measure will exclude a larger number of undesirable immigrants, so far as statistics can be relied upon, than any restriction which could be devised.

In the arguments made against the bill it was contended that restriction of immigration was not desired, and also that the educational test would not shut out criminals, many of whom were well educated.

The passage of this restrictive measure, which was especially aimed at southern and eastern European immigrants, seems to emphasize the truth of the sentiment of the several States as expressed by their governors in replies to inquiries sent to them by the special immigration investigation commission in 1895, asking them whether immigration was desired in their respective States, and if so, from what races?

The following is a summary of their replies:*

RACE PREFERENCES EXPRESSED BY GOVERNORS.

Wisconsin: Germans, because they all work and are generally very prosperous.
Michigan: English-speaking are most desirable, with Scandinavians and Germans next.
Kansas: Germans, English, Swedes, and Norwegians.
North Dakota: Scotch, English, Scandinavians, and Germans.

* Senate Report No. 290, Fifty-fourth Congress, first session.

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Oregon: As farmers and farmhands are our principal need, we prefer those from the British Isles, France, Italy, Germany, and Scandinavia.

Montana: Farmers from the north of Europe, where climatic conditions approximate those of Montana.

Idaho: Scandinavians or Germans are preferable.

Colorado: First, for horticulture and agriculture, we prefer Germans and Scandinavians.

Maine: Scandinavians, but not others.

New Hampshire: Swedes and Germans for farmers and women for general housework.

Pennsylvania: Our own laboring people are in sufficient number to supply the demand.

Illinois: Not seeking further immigration just at present.

Iowa: Any class of foreigners very undesirable at present time.

Minnesota: No need for unskilled labor of any kind at present time.

Nebraska: Germans, Swedes, Italians. No demand for labor of any kind at present.

Mississippi: Germans, Swedes, Italians; but not sure any immigrants are desirable as laborers at present.

California: There is an oversupply of laborers in every branch of industry. There is no desire anywhere for immigration of the nonproducing classes, who are dependent upon manual labor for the means of subsistence.

Massachusetts: Further immigration not needed.

New York: No necessity at present for encouraging further immigration.

Rhode Island: Every trade is more than supplied with all the labor needed.

Kentucky: British, Germans, Swiss, Scandinavians. Poles, Huns, and Latin races are not desired, except individuals who come of their own volition.

Virginia: English, Scotch, Irish, Germans, and Swedes.

Georgia: Germans, French, Hollanders, Belgians, Scandinavians, and Swiss.

Arkansas: American, German, and English speaking immigrants—farmers, but welcome all desirable immigrants.

Florida: First preference for English-speaking.

Texas: Desire immigrants who are sober, industrious, worthy, and who will make good citizens.

PRESIDENT CLEVELAND'S VETO.

President Cleveland returned the bill with his veto, March 2, 1897.[a] He objected to the radical departure from the previous national policy relating to immigration, which welcomed all who came, the success of which policy was attested by the last century's great growth. In referring to the claim that the quality of recent immigration was undesirable, he said: "The time is quite within recent memory when the same thing was said of immigrants who, with their descendants, are now numbered among our best citizens." The prevailing disturbed labor conditions he attributed to a general business depression, which would in no way be affected by restricting immigration. In referring to "the best reason that could be given for this radical restriction of immigration," the "protecting of our population against degeneration, and saving our national peace and quiet from imported turbulence and disorder," he said that he did not think it would be protected against these evils by limiting immigration to those who could read and write, for, in his mind, it was safer "to admit a hundred thousand immigrants who, though unable to read and write, seek among us only a home and opportunity to work, than to admit one of those unruly agitators who can not only read and write, but delight in arousing by inflammatory speech the illiterate and peacefully inclined to discontent." Those classes which we ought to exclude, he claimed, should be legislated against directly.

[a] Appendix D, p. 127 (S. Doc. No. 185, 54th Cong., 2d sess.).

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The sections of the bill declaring it a crime for an alien regularly to come into the United States for the purpose of obtaining work from private parties, President Cleveland declared, were "illiberal, narrow, and un-American," and, besides, the residents of these border States and Territories "have separate and especial interests which in many cases make an interchange of labor between their people and their alien neighbors most important frequently, with the advantage largely in favor of our citizens."

On March 3, 1897, the House passed the bill over the President's veto by a vote of 193 to 37, but no action was taken in the Senate, and, considering the close vote by which the conference report was adopted by the Senate, it is very doubtful that it could have been passed over the veto.

In the Fifty-fifth Congress the bill which President Cleveland vetoed was introduced again,[a] and at this time it received the special indorsement of the Knights of Labor and the American Federation of Labor. The latter organization, in its convention held in Washington, D. C., February 6, 1898, declared for it as follows:

We urge the adoption of a reasonable law to restrict undesirable immigration, such law to be based upon an educational qualification.

The Knights of Labor, in their convention of the year before held in Louisville, Ky., also declared for it. The following extract from the Journal of the Knights of Labor, January 13, 1898, represents the attitude of that organization:

Among the other matters requiring legislative action which were considered by the last annual convention of the general assembly of the Knights of Labor, held at Louisville, Ky., November 9 to 17, the subject of restricting immigration was discussed, with the result that House bill No. 74 and Senate No. 112 received the unanimous approval of that body. * * * As regards the propriety of the educational test, we are satisfied that it is the most practicable method yet advanced. Unlike the present laws or the proposed consular inspection, it will not leave the administration of the law to the discretion of the officials. Its redeeming feature is that it is positive and leaves no loopholes for thousands of contract laborers to crawl through, as is the case under the present law. The educational test might keep out a few desirable immigrants, but the country can well spare them if we rid ourselves of the large class of undesirable ones. The line must be drawn somewhere, and to our mind the educational test offers the best remedy.

One of the most active opponents this measure had was the Immigration Protective League, which, it is said, had been formed primarily for the purpose of defeating immigration legislation. Their principal means of working was by distributing circulars. The nature of their circulars is shown by the following quotation taken from one of them:[b]

* * * the nativistic authors of such entirely superfluous new laws pretend their only object is to protect the American laboring man against foreign competition. This is, however, only a poor excuse for their real scheme, dictated by that hatred of the foreigner, whom they would like to exclude altogether * * *. If in particular, the now comparatively feeble stream of immigration is completely cut off, then they will succeed in oppressing Germans in this country and ruin the German element politically and industrially. To the great satisfaction and delight of the English-American press, many a German news-

[a] H. R. No. 1 and S. No. 212, Fifty-fifth Congress.
[b] See Hall, "Immigration," pp. 268 to 269.

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paper, whose competition is a thorn in their flesh, will be forced to the wall. No German church building will then be erected any more or conserved; no German school could exist, and the German language will disappear from the public schools.

Such circulars, it is said, were a result of the misunderstanding of the provisions of the bill, because under it only a very few Germans would have been excluded. In referring to this, Senator Fairbanks, of Indiana, said:

I received and am still receiving protests (against the Lodge bill) from various societies in Indiana. One of them was from a German organization in Jeffersonville. I took the trouble to investigate this, and found it had been directly instigated by a steamship agent, and that the members of the German Aid Society, who ostensibly protested, were led to believe that it was a general restriction of immigration and not merely an attempt to keep out illiterates, which these very men who protested heartily approved of.[a]

There was also objection to the bill on the part of some Catholics. An idea of this is shown by a remark of Senator Gibson, of Maryland, which connected the bill with the A. P. A. movement. He said:

This dangerous organization, Mr. President, which is generally believed to be instigating and urging the passage of the bill, has for its real purpose hostility to the Catholic Church.[b]

The Lodge bill passed the Senate January 17, 1898, by a vote of 45 to 28, but the House refused to consider it by a vote of 103 to 101.

INVESTIGATIONS BY THE INDUSTRIAL COMMISSION.

By an act of June 18, 1898, the Industrial Commission was created. Section 2 of this act provided:

That it shall be the duty of this commission to investigate questions pertaining to immigration, * * * and to report to Congress and to suggest such legislation as it may deem best upon these subjects.

This commission was very influential in framing the immigration law of 1903, which, with the exception of the act of June 6, 1900, which gave to the Commissioner General of Immigration the administration of the Chinese-exclusion law, was the only legislation upon the subject since 1893.

In his first message to the Fifty-seventh Congress President Roosevelt commented on the immigration question as follows:[c]

Our present immigration laws are unsatisfactory. We need every honest and efficient immigrant fitted to become an American citizen, every immigrant who comes here to stay, who brings here a stout heart, a good hand, and a resolute purpose to do his duty well in every way and to bring up his children as law-abiding and God-fearing members of the community. But there should be a comprehensive law enacted, with the object of working a threefold improvement over our present system. First, we should aim to exclude absolutely all persons who are believers in anarchistic principles or members of anarchistic societies; but also all persons who are of a low moral tendency or of unsavory reputation. This means we should require a more rigid system of examination at our immigration ports, the former being especially necessary.

The second object of a proper immigration law ought to be to secure, by a careful and not merely perfunctory test, some intelligent capacity to appreciate American institutions and act sanely as American citizens. This would not keep

[a] The Chicago Tribune, January 21, 1898.
[b] Congressional Record, Fifty-fifth Congress, first session, p. 5219.
[c] Congressional Record, Fifty-seventh Congress, first session, p. 84.

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out all anarchists, for many of them belong to the intelligent criminal class. But it would do what is also in point, that is, tend to decrease the sum of ignorance, so potent in producing the envy, suspicion, malignant passion, and hatred of order, out of which anarchistic sentiment springs. Finally, all persons should be excluded who are below a certain standard of economic fitness to enter our industrial field as competitors with American labor. There should be proper proof of personal capacity to earn an American living and enough money to insure a decent start under American conditions. This would stop the influx of cheap labor and the resulting competition which gives rise to so much bitterness in American industrial life; and it would dry up the springs of pestilential social conditions in our great cities, where anarchistic organizations have their greatest possible growth.

Both the educational and economic tests in a wise immigration law should be designed to protect and elevate the general body politic and social. A very close supervision should be exercised over steamship companies which mainly bring over the immigrants, and they should be held to accountability for any infraction of the law.

On December 5, 1901, the report of the Industrial Commission on Immigration was transmitted to Congress, and its final report, containing recommendations and proposals for legislation, was submitted on February 10, 1902. A bill introduced in the House on March 6, 1902, by Mr. Shattuc, of Ohio, was substantially in accord with the recommendations of the commission. The legislation the commission recommended was the result of a conference of the commission, some of the leading alienists in the country, the Commissioner General of Immigration, and the commissioners of immigration at the ports of New York, Boston, Philadelphia, Baltimore, and San Francisco.

THE IMMIGRATION LAW OF 1903.

The principal object of the bill was to codify in concise form all immigration legislation before enacted from the act of March 3, 1875, to the act of 1894, and to arrange the legislation in regular order and sequence according to the various specific subjects dealt with in the bill. It was also the purpose of the bill to eliminate from the laws all those parts which had become obsolete as a result of subsequent legislation and to amend all parts of the laws which had been found inadequate to accomplish the objects intended by them because of judicial decisions and interpretations and because of lack of authority for their administration. Following the suggestion of the Commissioner General of Immigration the word "alien" was substituted for the word "immigrant" in all cases where it was necessary to make the law cover cabin passengers as well as steerage passengers. Before this the same degree of care was not used in inspecting cabin passengers as steerage passengers, the word "immigrant" being interpreted to mean only steerage passengers. Consequently many undesirables came in the cabin to escape inspection. This change made both liable to a like inspection.

The bill as introduced in the House was explained by Mr. Shattuc as follows:*

The bill increases the amount of the head tax on aliens coming into the United States by land transportation, as well as by water, from $1 to $1.50. The increase is justified by the greater cost of administering the law, which proposes to deal in a more effective way with the dangers of an already large

* Congressional Record, 57th Congress, 1st session, pp. 5764–5.

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and rapidly growing alien population, not only by rejecting at our ports before landing those who are found to be inadmissible, but by following up those who have effected an entrance and afterwards become criminal or pauper burdens upon the local municipalities, and within three years after their arrival returning them to their own countries. The head tax, by the way, is also required to be paid by aliens coming into the United States across the land boundaries, and the proposed law imposes a penalty for the nonpayment of the same.

The present bill consolidates with the general immigration laws existing legislation with regard to the importation of aliens under contract to perform labor in the United States, thus making the money from the head tax available for funds in payment of expenses for the enforcement of these laws instead of securing the necessary funds for the purpose through a special annual appropriation.

The proposed law excludes from admission to the United States, or any place subject to the jurisdiction thereof, the following classes of immigrants: All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists; anarchists, or persons who believe in or advocate the overthrow by force or violence of all government or all forms of law or the assassination of public officials; prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; persons whose migration to the United States has been induced by offers, solicitations, promises, or agreements, parol or special, express or implied, of labor or work or service of any kind in the United States, and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes. Persons living in the United States are not prevented from sending for a relative or friend who is not of these classes mentioned, nor are persons convicted of a purely political offense excluded. It is also provided that skilled labor may be imported if labor of like kind unemployed can not be found in the United States. Professional actors, artists, etc., are not excluded.

The new law in relation to the insane was introduced in this bill to relieve our state and municipal institutions from the burdens they have been made to bear by these immigrants obtaining admission to them and remaining there indefinitely. The provisions concerning anarchists were adopted upon the theory that an effective way to deal with this evil was by refusing admission to the United States to the teachers and disciples of such a system or belief.

The part of the bill in relation to prostitutes and procurers is to complete the evident purpose of the act of March 3, 1875, which makes the importations of such aliens a felony, but omits to provide for rejection at ports of the United States.

The wisdom of the proposed law in regard to contract alien labor can not be questioned. It is for the protection of the American workingman. He deserves all that we can legally do for him, and no law which will keep alien contract labor out of competition with him can be too strict. The old law is strengthened in this respect by dropping the word "contract" and inserting in its place the words "offer, solicitation, promise."

This change has been made to meet the rulings of the courts, which held that in every case of alleged violation of the law the elements of a binding contract must be proven to bring offenders within the meaning of the act. Now the "contract" does not have to be proved under the proposed bill, only the "offer, solicitation, or promise."

Certain rulings of courts have destroyed the value of the act as far as its protection was concerned, because under such rulings aliens could be imported with impunity upon the suggestion or assurance that employment awaited them in this country. Besides, Congress has already recognized, in section 3 of the act of March 3, 1891, the necessity of broadening the language of the act so as to cover the evil, for in this measure referred to it makes a violation of the law the migration of any alien to the United States in consequence of an advertisement in any foreign country promising work in this country. Therefore throughout the bill the words "offer, solicitation, promise" are used in lieu of the word "contract" as at present.

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In this connection, what was considered by the committee as a necessary exception was embodied in this act. It provides that where skilled labor of the kind desired can not be found unemployed in this country, then, under such circumstances, skilled labor may be imported. The practicability and propriety of this is obvious. The imported alien contract laborer injures the American workman only in displacing him. If labor of the kind desired can not be found in this country and is imported, no one is displaced.

Another change in this bill is in the substitution of the word "attempt" for "aid," the courts having in effect held that the word "aid" involved the actual landing of the prohibited aliens. Of course, when a steamship company willfully tried to land such class of aliens and the inspectors discovered they were illegally here, then they were immediately rejected and (technically) not allowed to land. Therefore the steamship company could not be held liable, because they had not aided the alien to land in view of the fact that he had not landed at all. Hence the word "attempt," so as to cover even the effort of the company to land such a person, whether he is rejected by the inspector or not.

What is considered a fair and equitable provision is also included, which provides that if an alien immigrant who is really not entitled under the law to enter this country should be admitted by the immigrant inspector, and is afterwards found to be here unlawfully, the fact that the inspector admitted him relieves of the penalty of a fine of not more than $1,000 provided for attempting to land such aliens, but does not relieve the steamship company from taking such alien back at the expense of the company if found here within one year after his arrival. Many safeguards are thrown around the actions of the inspectors under the proposed law, and it will be very difficult for an immigrant who should not be admitted to get through safely.

The provision also covers those immigrants who secure entrance into the country without inspection. The bill further provides that any alien contract laborer, rejected as such, may be detained, if such detention is necessary, to be used as a witness in behalf of the Government in any suit which may be brought against the person or persons inducing his unlawful immigration to the United States, the expense of such detention to be paid by the immigrant fund. The necessity for this legislation is due to the fact that the immediate return of such alien robs the Government in many cases of the sole witness it has to successfully maintain an action against a contractor.

The present bill makes it unlawful for any transportation company or vessel to bring to any port of the United States any alien afflicted with a loathsome or dangerous contagious disease.

The company which brings such alien under this bill is subject to a fine of $100 for each alien so brought if the Secretary of the Treasury is satisfied that the disease existed at the time of foreign embarkation and that its existence then could have been discovered. To enable the collection of such fine the law prohibits the issuance of clearance papers to any vessel which has incurred such fine or refused or neglected to pay it, and it furthermore provides that such fine shall not be remitted. As before stated, the deportation of any such alien is provided for. This new legislation, by punishing the taking on shipboard, will, it is believed, abate the evil under discussion, for the owners of vessels will avoid the payment of any such fine by a more careful examination at the port of embarkation. The exclusion at the port of departure of all diseased persons will prevent the thousands of passengers on board ship en route to this country from becoming inoculated with any disease which would not manifest itself until days after such passengers had become distributed throughout the country. It is not at all unjust to the owners, for they can easily protect themselves by careful examination before embarkation of aliens and by the refusal of passage to those so afflicted.

Another feature provides for the return with any rejected alien who is helpless from infancy or physical inability of any person who has accompanied such helpless alien to this country.

A most important part of the system of supervision of immigration in this country is the examination at the port of arrival by physicians. Provision is therefore made in the bill for thoroughly competent physicians who are qualified within all reasonable limits for this particular work.

The time within which an alien who has become a public charge may be deported is extended by the bill from one to three years. The reason for this extension is found in the frequent complaints of communities charged with the burden of maintaining helpless aliens, such complaints being supported by an

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array of figures which leave no doubt that the extension of time is imperative. It is a fact that many aliens of this particular class have come here, remained the one year formerly prescribed, and then, safe from deportation, entered the charitable institution in the community in which they happened to be, to remain there permanently a public charge and burden upon that community.

The old laws make a distinction between these aliens who become public charges from causes existing previous to their landing here and those who become so from causes arising after such landing. The new bill is the same in this respect. It provides that any alien who shall become a public charge from causes existing prior to landing shall be deported to the country whence he came at any time within one year after his arrival at the expense of the steamship company bringing such alien here, and to this is added in the proposed law one-half the cost of inland transportation to the port of deportation.

Formerly the steamshp company was merely required to take the alien back on its ship. The added penalty of one-half the inland transportation (which is to be paid by the steamship company) will no doubt increase the vigilance of the companies and cause them to refuse passage to persons of this character from the other side. It is not a severe penalty, but since it involves some actual outlay it should be more effective than the mere return of such alien on ships regularly plying to foreign ports, which return is made at an appreciable cost.

Under the proposed bill it is provided that an alien who has become a public charge from causes existing before he landed may be deported within three years after the first year after arrival, the immigrant fund paying the cost of his ocean transportation to the country whence he came, and the corporation or municipality relieved of such burden paying the expense of delivering such alien at the port of deportation, including inland transportation, care, etc.

Under the proposed law those aliens who become public charges from causes arising after landing may be deported if found here within three years after arrival in the same way, the immigrant fund paying the cost of ocean travel and the corporation or municipality paying the expense of delivering the alien at the port of departure.

In order to keep track of them in our institutions, the proposed law improves the system whereby undesirable aliens may be traced, and this information will be carefully taken and preserved. Heretofore these immigrants have been lost sight of and have actually filled many of our institutions. Careful periodical inspection of all these institutions is to be made also with this end in view. What is generally considered one of the best features of the proposed law in this connection is the requirement that the passenger manifests of vessels carrying immigrants shall be full, detailed, and explicit in all data that may serve in personal identification.

The Secretary of the Treasury is given power to arrest and deport aliens found to be unlawfully in the United States, and their return is required by the transportation company bringing them here to the country whence they came, or if that can not be done, as in the case of tramp steamers, then at the expense of the immigration fund. The time within which such arrest may be made is extended to three years to correspond with the parts of the proposed bill just referred to.

The foregoing comprises briefly all the legislation that is essentially new in this act; that is, all that is not already on the statute books, and the entire codification is really and simply a fuller application of the principle of existing laws.

The principal amendment to this bill presented in the House was one providing for an educational test. As adopted, it provided that all persons over 15 years of age who were unable to read the English language or some other language, excepting the wife, children under 18 years of age, and parents or grandparents of an admissible alien, should be excluded. The machinery for the test was also supplied. There was little objection to the adoption of this amendment in the House, it being accepted by a vote of 86 to 7.

With the addition of the illiteracy test the bill passed the House May 27, 1902, practically as introduced by Mr. Shattuc. The Senate did not act on the bill at that session.

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In his message to Congress at the following session, December 2, 1902, President Roosevelt again recommended the enactment of a new immigration law, and indorsed the bill passed by the House at the previous session, saying:[a]

I again call your attention to the need of passing a proper immigration law covering the points outlined in my message to you at the first session of the present Congress; substantially such a bill has already passed the House.

When the bill was taken up in the Senate the head tax, fixed at $1.50 by the House, was raised to $3, in order, it was claimed, to provide adequate revenue for a more efficient inspection of aliens and deportation of the excluded classes. The claim was also made that such an increase would exclude a certain number of undesirable immigrants. Fearing, however, that such an increase might injure the chances of the final passage of the bill, it was finally reduced to $2, where it remained. For the same reason friends of the bill in the Senate permitted the elimination of the illiteracy test.

Besides eliminating the educational test and raising the head tax to $2, the Senate added sections making it unlawful for any person to assist in the unlawful entry or naturalization of alien anarchists. These amendments were adopted by the House. Before the passage of the bill it was amended by providing that no alien, even if belonging in the excluded classes, should be deported if liable to execution for a religious offense in the country from which he came, but this provision was eliminated in conference.

The bill as it originally passed the House included contract laborers among the excluded classes, but for some reason they were not actually included in the list of excluded persons when the bill was approved. However, as the new law made provision for the deportation of contract laborers and also contained a list of persons who could enter under contract, it was held that contract laborers were still excluded by the act of 1885.

The bill passed the Senate February 28, 1903, and in conference was agreed upon practically as amended in the Senate. The conference report was adopted in the Senate March 2, 1903, and in the House March 3, by a vote of 194 to 11. It was approved by the President March 3.[b]

From the act of March 3, 1903, until the act of February 20, 1907, no laws of general importance affecting immigration were enacted by Congress.

Prior to the act of 1903, on February 14 of the same year, the Department of Commerce and Labor was established, and the Commissioner General of Immigration placed under the jurisdiction and supervision of that department. By an act of April 28, 1904, the words "Secretary of Commerce and Labor" were substituted for the words "Secretary of the Treasury" wherever found in the immigration laws.

MINOR IMMIGRATION ACTS.

By the act of March 22, 1904, citizens of Newfoundland were added to those excepted under the law of March 3, 1903, from paying the head tax.

[a] Fifty-seventh Congress, second session, Cong. Record, p. 9.
[b] Appendix B (32 Stat., pt. 1, p. 176).

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By the act of February 3, 1905, the Commissioner General of Immigration, upon approval by the Secretary of Commerce and Labor, was given power to refund head taxes erroneously collected.

By the act of February 6, 1905, it was provided that all money collected from head taxes on aliens going into the Philippine Islands should be paid into the treasury of the islands to be used for their benefit.

By the act of June 29, 1906, the designation of the Bureau of Immigration was changed to the Bureau of Immigration and Naturalization, with the additional duty of having charge of all matters concerning the naturalization of aliens. By this law a uniform rule for the naturalization of aliens throughout the United States was provided.

IMMIGRATION AGITATION, 1903–1907.

From 1903 to 1907 immigration increased rapidly. The effect of this was a renewal of the demand for restrictive legislation, or better selective legislation. A writer on immigration in analyzing this demand for legislation said:[a]

> There are comparatively few who wish to reduce to a large extent the number of our immigrants by imposing a very high head tax, or by limiting the number who shall be allowed to come in any single year, or by suspending immigration entirely for a period of years. Such persons may properly be called restrictionists. The vast majority of persons in this country want some changes in our existing laws to make them effective, and some additions to the excluded classes. All such persons are in favor of selection or regulation, rather than restriction, and hence might rather be called selectionists. When thus named there are only a very few of our citizens who do not belong to this latter group. Most of the demand for further legislation is distinctly along selective rather than restrictive lines. Even the much talked of illiteracy test, which has called forth violent opposition at the hands of the antirestrictionists, would probably not permanently cut down the number of our immigrants to any considerable degree.

The demand for selective immigration was quite general. At the National Immigration Conference held in New York City, December, 1905, called by the National Civic Federation and composed of delegates appointed by governors of States, and by commercial, labor, charitable, patriotic, and religious bodies, the following recommendations were made:[b]

> That a fine of $100 be imposed on steamship companies for every alien rejected for any cause; increased air space, the exclusion of persons of enfeebled vitality, and a preliminary inspection of intending immigrants before they embark.

President Roosevelt in rather extended remarks on the subject voiced the same sentiments in his messages to the third session of the Fifty-eighth Congress and the first session of the Fifty-ninth Congress. The parts of his messages relating to immigration were as follows:[c]

> There is no danger of having too many immigrants of the right kind. It makes no difference from what country they come. If they are sound in body

[a] R. De C. Ward, "Sane methods of regulating immigration," vol. 33, Review of Reviews (N. Y.), p. 336.
[b] Same, p. 339.
[c] Cong. Record, 58th Cong., 3d sess., p. 16.

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and in mind, and, above all, if they are of good character, so that we can rest assured that their children and grandchildren will be worthy fellow citizens of our children and grandchildren, then we should welcome them with cordial hospitality.

The above was to the Fifty-eighth Congress, while to the Fifty-ninth he said:[a]

The question of immigration is of vital interest to this country. In the year ending June 30, 1905, there came to the United States 1,026,000 alien immigrants. In other words, in the single year that has just elapsed there came to this country a greater number of people than came here during the 169 years of our colonial life which intervened between the first landing at Jamestown and the Declaration of Independence. It is clearly shown in the report of the Commissioner General of Immigration that while much of this enormous immigration is undoubtedly healthy and natural, a considerable proportion of it, probably a very large proportion, including most of the undesirable class, does not come here of its own initiative, but because of the activity of the agents of the great transportation companies. These agents are distributed throughout Europe, and by the offer of all kinds of inducements they wheedle and cajole many immigrants, often against their best interests, to come here. The most serious obstacle we have to encounter in the effort to secure a proper regulation of the immigration to these shores arises from the determined opposition of the foreign steamship lines, who have no interest in the matter save to increase the returns on their capital by carrying masses of immigrants hither in the steerage quarters of their ships.

As I said in my last message to the Congress, we can not have too much immigration of the right sort, and we should have none whatever of the wrong sort. Of course, it is desirable that even the right kind of immigration should be properly distributed in this country. We need more of such immigration for the South, and special effort should be made to secure it. Perhaps it would be possible to limit the number of immigrants allowed to come in any one year to New York and other northern cities, while leaving unlimited the number allowed to come to the South, always provided, however, that a stricter effort is made to see that only immigrants of the right kind come to our country anywhere. In actual practice it has proved so difficult to enforce the immigration laws where long stretches of frontier marked by an imaginary line alone intervene between us and our neighbors that I recommend that no immigrants be allowed to come in from Canada and Mexico, save natives of the two countries themselves. As much as possible should be done to distribute the immigrants upon the land and keep them away from the congested tenement-house districts of the great cities. But distribution is a palliative, not a cure. The prime need is to keep out all immigrants who will not make good American citizens. The laws now existing for the exclusion of undesirable immigrants should be strengthened. Adequate means should be adopted, enforced by sufficient penalties, to compel steamship companies engaged in the passenger business to observe in good faith the law which forbids them to encourage or solicit immigration to the United States. Moreover, there should be a sharp limitation imposed upon all vessels coming to our ports as to the number of immigrants in ratio to the tonnage which each vessel can carry. This ratio should be high enough to insure the coming hither of as good a class of aliens as possible. Provision should be made for the surer punishment of those who induce aliens to come to this country under promise or assurance of employment. It should be made possible to inflict a sufficiently heavy penalty on any employer violating this law to deter him from taking the risk. It seems to me wise that there should be an international conference held to deal with this question of immigration, which has more than a merely national significance; such a conference could among other things enter at length into the methods for securing a thorough inspection of would-be immigrants at the ports from which they desire to embark before permitting them to embark.

In dealing with this question it is unwise to depart from the old American tradition and to discriminate for or against any man who desires to come here and become a citizen, save on the ground of that man's fitness for citizenship. It is our right and duty to consider his moral and social quality. His standard

[a] Cong. Record, 59th Cong., 1st sess., p. 101.

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of living should be such that he will not, by pressure of competition, lower the standard of living of our wageworkers, for it must ever be a prime object of our legislation to keep high their standard of living. If the man who seeks to come here is from the moral and social standpoint of such a character as to bid fair to add value to the community, he should be heartily welcomed. We can not afford to consider whether he is Catholic or Protestant, Jew or Gentile; whether he is Englishman or Irishman, Frenchman or German, Japanese, Italian, or Scandinavian, or Magyar. What we should desire to find out is the individual quality of the individual man. In my judgment, with this end in view, we shall have to prepare through our own agents a far more rigid inspection in the countries from which the immigrants come. It will be a great deal better to have fewer immigrants, but all of the right kind, than a greater number of immigrants, many of whom are of the wrong kind. As far as possible we wish to limit the immigration to this country to persons who propose to become citizens of this country, and we can well afford to insist upon an adequate scrutiny of the character of those who are thus proposed for future citizenship. There should be an increase in the stringency of the laws to keep out the insane, idiotic, epileptic, and pauper immigrants. But this is by no means enough. Not merely the anarchist, but every man of anarchistic tendencies, all violent and disorderly people, all people of bad character, the incompetent, the lazy, the vicious, the physically unfit, defective, or degenerate should be kept out. The stocks out of which American citizenship is to be built should be strong and healthy, sound in body, mind, and character. If it be objected that the Government agents would not always select well, the answer is that they would certainly do better than do the agents and brokers of foreign steamship companies, the people who now do whatever selection is done.

The demand for immigration in the South led to the establishment of various commissions there to promote such immigration. The State of South Carolina in 1906 brought in a shipload of immigrants, through its department of agriculture, commerce, and immigration.[a] On June 4, 1906, the Southern States Immigration Commission was organized in New York City to increase immigration to the Southern States. Delegates from Georgia, Alabama, Louisiana, Virginia, West Virginia, North Carolina, and Maryland were present.

The South, however, was as particular as the rest of the country in regard to the kind of immigrants wanted, as is shown by the following quotation:[b]

There are at present before the writer the results of a somewhat extended private correspondence, undertaken within a few weeks, in order to ascertain the views of representative Southerners regarding the immigration problem as it affects the South. Letters of inquiry were sent to the governors of all the Southern States; to commissioners of agriculture, labor, and immigration; to other public officials, and to prominent citizens, asking for an explicit statement regarding the particular nationalities and the classes of immigrants most desired in the South, as well as the views of the person addressed concerning any desired change in the United States immigration laws as a whole. The results of these inquiries, which have not before been made public, show an extraordinary unanimity of sentiment. Taking the replies of public officials alone, which represent every Southern State, 100 per cent prefer native Americans and northern Europeans who are skilled workmen with money, and who come with their families intending permanent settlement. Between 90 per cent and 100 per cent of the southern state officials protest against the immigration of Asiatics, of illiterates, and of aliens who desire to settle in cities; 84 per cent do not wish any immigrants from southern and eastern Europe; and 88 per cent are opposed to receiving the aliens distributed from northern cities. As to further amendments to the general immigration laws of the United States, the southern officials who have been heard from, in every case but one, want the exclusion of aliens of poor physique; 92 per cent favor a head tax of $25 or more; nearly 90 per cent wish to have "assisted" immi-

[a] Annual Report of Department of Agriculture, Commerce, and Labor, South Carolina, 1906.

[b] Robert De C. Ward, "Immigration and the South," Atlantic Monthly, vol. 96, p. 616.

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grants debarred; and between 90 per cent and 100 per cent want no illiterates. The governor of one State in the heart of the industrial South, who reports his State as being in great need of labor, favors the exclusion of aliens of poor physique and a head tax of $25.

He writes as follows: "While we are inviting such people as we can use in our industrial districts and farms, I, as governor of the State, am particularly anxious to avoid a too great influx of people whom it will be impossible to assimilate. We prefer very greatly the northern Europeans, but could use handsomely, to their profit and to the profit of our people, some from northern Italy, say, those raised on farms and desirous of similar living here. * * * I am certain we do not want, and we should insist we do not get, people from the southern parts of Italy and the southern and eastern parts of Europe."

The commissioner of agriculture of one State says: "Our people will forego whatever advantage might come from immigration of the better class if this is to be coupled with that of the slums of the city."

* * * It is clear from northern experience that immigration of the less desirable crowds out the more desirable. It is clear that the great advantages which the South should gain in the future from the incoming of the honest, industrious, intelligent, thrifty, and physically fit aliens can only be secured by making a careful selection of these immigrants, and by preventing the inflowing stream from becoming a vast and destructive flood. Where unskilled labor is needed, it should be sparingly introduced, under careful supervision by the State.

During the Fifty-eighth Congress little attempt was made at immigration legislation. Some bills to regulate immigration, and one to limit the number of aliens from any one nation allowed to enter the United States in any one fiscal year to 80,000, were introduced in this Congress, but no action was taken on them.

But in the first session of Fifty-ninth Congress, following the popular demand for a further regulation of alien immigration, several bills were intrdouced. Both the Senate and House passed such bills, though they did not finally agree on the bill until the next session.

THE IMMIGRATION LAW OF 1907.

On February 14, 1906, Senator Dillingham, of Vermont, introduced a bill which provided for some important administrative changes in the immigration act of 1903.[a] The bill was amended somewhat in the Senate Committee on Immigration, and when reported from that committee by Mr. Dillingham it proposed the following changes in the law: The "head tax" on immigrants was increased from $2 to $5; imbeciles, feeble-minded persons, unaccompanied children under 17 years of age, and persons "who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such aliens to earn a living," were added to the excluded classes; the provisions of existing law excluding prostitutes was amended to include "women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose"; steamship companies were required to furnish lists of outgoing alien passengers; and the creation of a division of distribution in the Bureau of Immigration was authorized.

In the Senate the bill was amended by the insertion of a literacy test, which provided for the exclusion from the United States of—

all persons over sixteen years of age and physically capable of reading who can not read the English language or some other language; but an admissible immi-

[a] S. bill 4403, 59th Cong., 1st sess. (S. Rept. No. 2186).

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grant or a person now in or hereafter admitted to this country may bring in or send for his wife, his children under eighteen years of age, and his parents or grandparents over fifty years of age, if they are otherwise admissible, whether they are so able to read or not.

The bill as amended passed the Senate May 23, 1906.

On April 9, 1906, Mr. Gardner, of Massachusetts, from the Committee on Immigration and Naturalization, introduced a bill[a] as a substitute for the several bills that had been referred to the committee. For this bill, on April 27, there was substituted another.[b]

The House of Representatives Committee on Immigration and Naturalization, to whom was referred Senate bill 4403, on May 29, 1906, reported by substituting the House bill referred to above, which, however, did not differ materially from that of the Senate. The "head-tax" provision was the same, and the additions to the excluded classes practically so, a literacy test similar to that of the Senate being included. The bill as originally reported by the House committee also provided for the exclusion of every adult male who had not $25 in his possession, and every female alien and every male alien under 16 years not possessed of $15, provided that $50 in the possession of the head of a family would be considered a sufficient amount for all members of such family except grown-up sons. In a subsequent report, presented June 11, 1906, however, the money-qualification feature was omitted. Both the House reports were accompanied by a minority report, signed by two members of the committee, in which the increased "head-tax" and the educational-test provisions were disagreed to. In the House of Representatives the bill was amended by striking out the increased "head-tax" provision and the provision for a literacy test, and by inserting a section creating the Immigration Commission. The House also adopted the so-called Littauer amendment, which provides as follows:

That an immigrant who proves that he is seeking admission to this country solely to avoid prosecution or punishment on religious or political grounds, for an offense of a political character, or prosecution involving danger of imprisonment or danger to life or limb on account of religious belief, shall not be deported because of want of means or the probability of his being unable to earn a livelihood.

In conference between the two Houses the Senate receded from its provision relative to a literacy test; the House receded from the Littauer amendment; the "head-tax" provision was compromised by fixing the amount at $4, instead of $5 as provided by the Senate and $2 as provided by the House; the House amendment creating the Immigration Commission was agreed to with an amendment which provided that the commission should consist of three Senators, three Members of the House of Representatives, and three persons to be appointed by the President of the United States, instead of two Senators, three Members of the House, and two citizen members, as was provided in the House amendment. The section creating the commission was further amended in conference by the addition of the following provision:

* * * the President of the United States is also authorized, in the name of the Government of the United States, to call, in his discretion, an interna-

[a] Fifty-ninth Congress, first session, H. R. 17941 (H. Rept. 3021).
[b] Fifty-ninth Congress, first session, H. R. 18673 (H. Rept. 3635).

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tional conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation or elsewhere; of securing the assistance of foreign governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States. and of regulating any matters pertaining to such immigration.

The conferees also added a new section (sec. 42)[a] to the bill amending section 1 of the passenger act of 1882 relative to air space allotted to steerage passengers, and amended section 1 of the immigration bill under consideration by inserting the following provision:

That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

As explained later, this provision of law was utilized for the purpose of excluding Japanese and Korean laborers from the United States.

This bill was approved by the President February 20, 1907.[b]

The principal features of the act of February 20, 1907, which is the present immigration law, are as follows: The head tax fixed at $4 is to be paid for every alien entering the United States. Immigrants to Guam, Porto Rico, and Hawaii are not obliged to pay this tax unless later they come to the United States. Aliens in transit through the United States and aliens who have resided for one year uninterruptedly in Canada, Newfoundland, Mexico, or Cuba do not pay the tax. This tax is a lien upon the vessel or vehicle bringing the alien, and is a debt payment of which can be enforced by any legal or equitable remedy. The money collected in this way is paid into the "immigrant fund," to be used to pay the expenses of regulating immigration. The amount collected in this manner in any one year which exceeds $2,500,000 shall not be added to the "immigrant fund."

The classes of aliens excluded from the United States are as follows: (1) Idiots; (2) insane persons, persons who have been insane within five years previous to arrival, and persons who have had two or more attacks of insanity at any time previous; (3) imbeciles; (4) feeble minded persons; (5) epileptics; (6) paupers; (7) persons likely to become a public charge; (8) professional beggars; (9) persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; (10) persons not included with any of the foregoing excluded classes who are found to be mentally or physically defective, such defect being likely to affect the ability of such alien to earn a living; (11) persons who have been convicted of or admit

[a] See Steerage Legislation, 1819–1909, pp. 335 to 486.
[b] Appendix B, p. 110 (34 Stat. L., pt. 1, p. 898).

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having committed a felony or other crime or misdemeanor involving moral turpitude, not including those convicted of purely political offenses not involving moral turpitude; (12) polygamists, or persons who believe in polygamy; (13) anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all Governments; (14) prostitutes; (15) persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution; (16) contract laborers; (17) persons who have been deported within one year from the date of application for admission to the United States, deported as being under contract or promise to perform labor in this country; (18) any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively shown that such person does not belong to one of the foregoing excluded classes; (19) all children under 16 years of age unaccompanied by one or both parents, at the discretion of the Secretary of Commerce and Labor; (20) any alien accompanying another alien helpless from sickness may be deported with such alien.

The following are excepted from the provision in regard to contract labor: Professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants; and skilled labor may be imported if labor of like kind unemployed can not be found in this country. A diseased wife or minor children of resident alien may be admitted if without endangering the public.

The importing or holding of any alien woman or girl for the purposes of prostitution is forbidden under penalty of $5,000 or imprisonment for not more than five years for each offense. Any alien woman or girl found an inmate of a house of prostitution or practicing prostitution at any time within three years after landing in the United States shall be deported.

To prepay the transportation of or to assist or encourage the migration of any contract laborer into the United States, under promise or agreement of employment, whether by advertisement in foreign publications or by any other means, is a misdemeanor and is punishable by a fine of $1,000, which may be sued for and recovered by the United States or any person first bringing action in his own name. The United States district attorney of the proper district is obliged to prosecute every such case. Fifty thousand dollars may be drawn from the immigrant fund to pay salaries of persons engaged in enforcing the contract-labor provision.

Transportation companies are forbidden to invite, solicit, or encourage, by writing, printing, or oral representation, the immigration of any alien into the United States, except by issuing letters, circulars, or advertisements, stating the sailings of their vessels, and terms and facilities for transportation therein, under penalty of $1,000 fine.

Landing or aiding in unlawful landing of aliens not duly admitted is forbidden under penalty of not more than $1,000 fine, or imprisonment of not more than two years, or both. To land an alien at an undesignated place is punishable by a fine of not more than $1,000,

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or by imprisonment for not more than one year, or both. For any transportation company other than a railway line to bring idiots, imbeciles, epileptics, or persons suffering with tuberculosis or with a dangerous or contagious disease is unlawful, and if such disease could have been detected at time of embarkation, by means of a competent medical examination, such company shall pay $100 each for every alien so brought. The master or commanding officer of vessels bringing aliens to United States ports are required to furnish to the immigration officers at such ports lists or manifests made at the time and place of embarkation, such manifests to contain the following in regard to each alien: (1) The full name, age, and sex; (2) whether married or single; (3) occupation; (4) whether able to read or write; (5) the nationality; (6) race; (7) last residence; (8) name and address of nearest relative in the country from which the alien came; (9) seaport for landing in the United States; (10) final destination; (11) whether having ticket through to such destination; (12) who paid his passage; (13) whether in possession of $50, and if less, how much; (14) whether going to join a relative or friend, and if so, what relative or friend; (15) whether ever before in the United States, and if so, when and where; (16) whether ever in prison, almshouse, or insane asylum; (17) whether a polygamist; (18) whether an anarchist; (19) whether coming by reason of any offer, solicitation, or agreement, express or implied, to perform labor in the United States; (20) and what is the alien's condition of health, and whether crippled or deformed.

Masters or commanding officers of vessels taking alien passengers out of the United States are required to file with collectors of customs at ports of departure lists of all alien passengers taken on board, such lists to contain the following concerning each alien embarked: (1) Name, age, and sex; (2) nationality; (3) residence in the United States; (4) occupation; (5) and time of last arrival in the United States.

The penalty for failure to comply with the law respecting lists or manifests is in both cases a fine of $10 for every alien not so listed. In cases of outgoing vessels the aggregate fine is limited to $100.

It is the duty of immigration officials to go on board each vessel to inspect all aliens upon receipt of the manifests or have them temporarily removed to a proper place for such inspection. Unless the inspector thinks an alien is clearly entitled to land he shall hold him for hearing before board of special inquiry. Such boards of special inquiry are appointed by commissioners of immigration at ports of arrival; each board to consist of three members selected from among such immigrant or other United States officials as the Commissioner General of Imigration, with the approval of the Secretary of Commerce and Labor, shall designate for such service. The decision of any two members prevails. The alien or any dissenting member of the board may appeal to the Secretary of Commerce and Labor through the commissioner and Commissioner General of Immigration. No appeal can be taken from their decision, made on the basis of certification by medical officer, in cases of aliens afflicted with tuberculosis or with a loathsome or dangerous contagious disease. Physical and mental examination of all aliens shall be made by

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officers of the United States Public Health and Marine-Hospital Service, who have had at least two years' experience in the practice of their profession.

Deportation of aliens unlawfully brought to the United States shall be immediate and at expense of vessel bringing them; cost of detention also to be paid by owner of vessel. The penalty for failure to hold, deport, or maintain is $300 for every offense. Deportation may be suspended if the testimony of a deported alien is needed in the prosecution of offenders against the act. If any alien shall have entered the United States unlawfully and become a public charge from causes existing prior to landing, he may be deported within three years after date of entry. Such deportation and one-half of the entire cost of removal to the port of departure shall be at the expense of the contractor or procurer or other person by whom the alien was induced to enter the United States. If this can not be done, then the expense of removal to the port of departure shall be paid out of the immigration fund, and the further deportation shall be at the expense of transportation company by which the alien came. Further, any alien found in the United States in violation of the act is to be deported within three years after arrival and at the expense of the transportation company bringing him. Deportation must be to transoceanic ports or to the port of departure if the alien is from foreign contiguous territory.

The Commissioner General of Immigration, under direction of the Secretary of Commerce and Labor, is to have charge of the administration of all law relating to the immigration of aliens into the United States. He may enter into contract for the support or relief of such aliens as are in need of public aid. It is his duty to secure from time to time information as to the number of aliens detained in the penal, reformatory, and charitable institutions of the United States. He may, with the approval of the Secretary of Commerce and Labor, detail immigration officers abroad, also surgeons, for service in foreign countries.

The duties of the commissioners of immigration at the several ports are administrative and as prescribed with the approval of the Secretary of Commerce and Labor.

Any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis or a loathsome or dangerous contagious disease may be admitted, if otherwise admissible, in the discretion of the Secretary of Commerce and Labor, upon the giving of a suitable bond that such alien shall not become a public charge.

Circuit and district courts of the United States are invested with power over all cases arising out of this law. For the preservation of the peace local municipal officers and courts shall have jurisdiction over immigrant stations.

The Commissioner General of Immigration, under direction of the Secretary of Commerce and Labor, shall prescribe regulations for the inspection of aliens along the borders of Canada and Mexico.

To assist an anarchist alien to enter the United States is punished by a fine of not more than $5,000 or by imprisonment of not more than five years or both.

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This act establishes a division of information in the Bureau of Immigration, whose duty it is to promote a beneficial distribution of aliens among the States and Territories desiring immigration.

The term "United States" as used in this act means the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone.

"IMMIGRANT FUND" ABOLISHED.

The "immigrant fund" provided for in section 1 of the act of February 20, 1907, and in previous acts was abolished by a provision of the sundry civil appropriation act of March 4, 1909. Since July 1, 1909, all moneys collected pursuant to the provisions of section 1 have been covered into the Treasury to the credit of miscellaneous receipts, and specific annual appropriations are now made "to defray the expense of regulating the immigration of aliens into the United States."

LEGISLATION FOR THE SUPPRESSION OF THE WHITE-SLAVE TRAFFIC.

By the act of March 26, 1910, sections 2 and 3 of the immigration law of February 20, 1907, were amended to more effectively prevent the importation of women and girls for immoral purposes and their control by importers and others after admission to the United States. These amendments followed recommendations of the Immigration Commission contained in a report of the Commission on the importation and harboring of women for immoral purposes.[a]

By the act of March 26 the following were added to the classes excluded by section 2 of the immigration act: "Persons who are supported by or receive in full or in part the proceeds of prostitution." Under the terms of the act of 1907 "women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose," and also "persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose," were specifically excluded from the United States. Under that law, however, there was no specific provision for the exclusion of that particularly reprehensible class of persons referred to in the act of March 26, 1910. By the amendment of section 3 of the law of 1907 additional means were provided for the punishment and deportation of aliens who in any way profited or derived benefit from the proceeds of prostitution.

Section 3 of the immigration act of February 20, 1907, and the same section as amended by the act of March 26, 1910, follows:

Act of February 20, 1907.	*Act of March 26, 1910.*
SEC. 3. That the importation into the United States of any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States, any alien woman or girl for the purpose of	SEC. 3. That the importation into the United States of any alien for the purpose of prostitution or for any other immoral purpose is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States, any alien for the purpose of prostitution or for any

[a] See Importation and Harboring of Women for Immoral Purposes. Reports of the Immigration Commission, vol. 37. (S. Doc. No. 753, 61st Cong., 3d sess.)

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prostitution, or for any other immoral purpose, or whoever shall hold or attempt to hold any alien woman or girl for any such purpose in pursuance of such illegal importation, or whoever shall keep, maintain, control, support, or harbor in any house or other place, for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl, within three years after she shall have entered the United States, shall, in every such case, be deemed guilty of a felony, and on conviction thereof be imprisoned not more than five years and pay a fine of not more than five thousand dollars; and any alien woman or girl who shall be found an inmate of a house of prostitution, or practicing prostitution, at any time within three years after she shall have entered the United States, shall be deemed to be deported as provided by sections twenty and twenty-one of this act.

other immoral purpose, or whoever shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or whoever shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose, in pursuance of such illegal importation, any alien, shall, in every such case be deemed guilty of a felony, and on conviction thereof be imprisoned not more than ten years and pay a fine of not more than five thousand dollars. Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occur. Any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; or who is empolyed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists, protects, or promises to protect from arrest any prostitute, shall be deemed to be unlawfully within the United States and shall be deported in the manner provided by sections twenty and twenty-one of this act. That any alien who shall, after he has been debarred or deported in pursuance of the provisions of this section, attempt thereafter to return to or to enter the United States shall be deemed guilty of a misdemeanor, and shall be imprisoned for not more than two years. Any alien who shall be convicted under any of the provisions of this section shall, at the expiration of his sentence, be taken into custody and returned to the country whence he came, or of which he is a subject or a citizen in the manner provided in sections twenty and twenty-one of this act. In all prosecutions under this section the testimony of a husband or wife shall be admissible and competent evidence against a wife or husband.

The agitation of the subject also resulted in the enactment of a law prohibiting the transportation of persons from one State to another for purposes of prostitution.[a]

[a] Public act No. 277, 61st Cong., 2d sess., approved June 25, 1910. See Appendix B.

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Chapter V.

CHINESE-EXCLUSION LEGISLATION.

Chinese immigration in this country began in the early "fifties." The first arrivals were in California. In 1850 it is said that the people of San Francisco regarded "with admiration and pride" these "picturesque and far-traveling immigrants."[a] Soon they were appreciated for their cheap labor, which was utilized in the construction of the transcontinental railway and hastened the development of the western half of the interior by many years. For this they received generous praise.[b] However, when the Chinaman entered the mines, successfully engaged in work on the farm and as domestic servants, and even in certain manufactures, "his labor was denounced as superseding that of the white man, and the question of Chinese immigration became a labor question to which the statesmen of California almost immediately succumbed."[c] This agitation, it is recorded, was originated upon the "sand lots" of San Francisco by Dennis Kearney, "the leading knight in the crusade."

The first expression of the hostile feeling was by general abuse and violence. The Chinaman was mobbed and stoned in the streets. Then state and city legislation was enacted which directly or indirectly injured him.

ANTI-CHINESE LEGISLATION IN CALIFORNIA.

In 1852 Gov. Bigler in his message to the California legislature recommended restrictive legislation against the Chinese coolies.[a] This was not popularly received, but in the year following a law taxing all foreign miners was enacted. In practice it was collected only from the Chinese. In 1855 California enacted a law imposing a tax of $55 upon every Chinese immigrant, and in 1858 a law was passed prohibiting all Chinese or Mongolians from entering the State, unless driven on shore by weather or some accident, in which case they should be immediately sent out of the country. In 1862 another act was passed providing for a head tax of $2.50 upon all arriving Mongolians 18 years of age and over, unless they were engaged in the production and manufacture of sugar, rice, coffee, or tea. These different State laws were declared unconstitutional by the supreme court of California.[c]

In the same manner the cities of the Pacific coast passed ordinances directly or indirectly affecting the Chinese. For example, San Francisco had an ordinance imposing a license fee of $4 per quarter on laundries using a two-horse vehicle, while on laundries

[a] American, Vol. IV, p. 23.
[b] Chester Holcombe. "The Restriction of Chinese Immigration." Outlook, Vol. 76, p. 971, Apr. 23, 1904.
[c] R. Mayo Smith. "Emigration and Immigration," p. 238.

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using no horse a fee of $15 per quarter was imposed. The Chinaman used no horse. There were also other petty persecutions aimed at the Chinese.[a]

In 1862 Governor Stanford of California, in his inaugural message, referred to the subject of Chinese immigration as follows:

> While the settlement of our State is of the first importance, the character of those who shall become settlers is worthy of scarcely less consideration. To my mind it is clear that the settlement among us of an inferior race is to be discouraged by every legitimate means.
>
> Asia, with her numberless millions, sends to our shores the dregs of her population. Large numbers of this class are already here, and unless we do something early to check their immigration the question which of the two tides of immigration meeting upon the shores of the Pacific shall be turned back will be forced upon our consideration when far more difficult than now of disposal. There can be no doubt but that the presence of numbers among us of a degraded and a distinct people must exercise a deleterious influence upon the superior race and to a certain extent repel desirable immigration. It will afford me great pleasure to concur with the legislature in any constitutional action having for its object the repression of the immigration of the Asiatic races.

But all of the several attempts of the State to repress Chinese immigration were rendered futile by the decisions of the United States Supreme Court. With the decision in the case of Chy Lung *v.* Freeman (92 U. S., 275), decided on the same day as the case of Henderson *v.* New York and involving the same general principles, when the regulation of immigration was declared by Associate Justice Miller to be a subject for national legislation, the Pacific States lost all hope of keeping out the Chinese by state legislation.

Before this decision of the Supreme Court, however, California had appealed to Congress for national action to put a stop to Chinese immigration. The legislature authorized the municipality of San Francisco to pay the expenses of a delegation to Washington for the purpose of urging such a modification of the Burlingame treaty as would prevent the immigration of Chinese.[b]

EARLY CHINESE LEGISLATION IN CONGRESS.

The first consideration given Chinese immigration in Congress resulted in the prohibition of the coolie trade. This subject first came up in the House on April 7, 1856, when the President was asked to give some information on the subject. Similar requests were made in 1857, 1860, and 1861, and on January 15, 1862, Mr. Elliott of Massachusetts reported a bill[c] to prohibit the Chinese coolie trade by American citizens in American vessels. In explaining what the trade was, Mr. Elliott said:[d]

> The Chinese coolie trade, which the bill before the House prohibits, is not a trade between the emigrant and the shipmaster. The coolie is seldom a party to any contract for his emigration. The real contract is between parties who seek to derive their gains from an unlawful trade, in which his ability, his skill, or his labor is used for a consideration not known to him and not intended to benefit him. From the moment of his capture the coolie is a slave.

[a] R. Mayo Smith. "Emigration and Immigration," p. 240.

[b] 42d Cong., 2d sess., House Mis. Doc. No. 120; 43d Cong., 1st sess., House Mis. Doc. No. 204.

[c] 37th Cong., 2d sess., H. R. 109.

[d] Congressional Globe, Jan. 15, 1862.

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This act was soon passed and was approved on February 19, 1862. On February 9, 1869, the provisions of this act were extended to the Japanese and all Orientals, and by section 5 of the last law the provisions of the passenger acts of 1847 and 1849 were extended to all American vessels carrying passengers from foreign ports to other foreign ports.

The act of 1862 has been referred to as the first exercise of the power of Congress to regulate immigration, but all the debates in Congress and reports on the subject show that the question of the importation of these coolies into the United States was never considered. The only purpose of the act was to prevent American vessels from carrying on this coolie or slave trade, especially between China and the West Indies, although, to some extent, it was also carried on with South American ports.

THE BURLINGAME TREATY.

Although political relations of the United States with China date back to the year 1844, the first treaty in which the emigration of the inhabitants from one country to the other was considered was the Burlingame treaty, proclaimed July 28, 1868. Sections 5 and 6 of the treaty state the position the United States was supposed to hold in regard to the Chinese in this country. The inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other, for the purposes of curiosity, of trade, or as permanent residents, were recognized and "any other than an entirely voluntary emigration" was reprobated. But the United States went further and declared that—

> Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nations.[a]

The right of naturalization was, however, denied them.

Though these declarations may have met with general favor in the country as a whole they were unpopular in the Pacific States, and these States continued their efforts to get legislation restricting the further immigration of the Chinese.

On December 22, 1869, occurred one of the very first attempts to secure national legislation in regard to Chinese immigration. But the bill[b] then introduced provided merely that no Chinaman under contract to labor in the United States should be admitted. It contained an express provision for the continuance of free and voluntary immigration. This bill did not pass. Previously, on December 6, 1869, President Grant, in his message to Congress, advised—

> such legislation as will forever preclude the enslavement of the Chinese upon our soil under the name of coolies, and also prevent American vessels from engaging in the transportation of coolies to any country tolerating the system.

Again, on December 7, 1874, he advised similar legislation, and, as explained previously, a law embodying his recommendation was approved March 3, 1875.[c]

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[a] U. S. Stat. L., vol. 16, p. 740.
[b] S. bill 279, 41st Cong., 2d sess.
[c] See p. 28.

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Besides prohibiting the importation of women, especially Chinese women, for the purpose of prostitution, and the emigration of convicts, the principal provision of the act was that the transporting into the United States of any subject of China, Japan, or any oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, was to be punished by imprisonment for not more than one year and by a fine not exceeding $2,000. It further provided that any person attempting to contract in this manner to supply coolie labor to another should be guilty of a felony and imprisoned for not more than one year and pay a fine of not more than $5,000.

In 1872 the legislature of California had instructed their Representatives in Congress to urge the making of a new treaty with China looking to an exclusion of certain Chinese subjects. As a result of this action and the work of the delegation sent from San Francisco, the above bill was passed, which to the East seemed all that was really necessary in the way of legislation. But the Pacific States were not satisfied and they continued their efforts until Congress finally appointed a joint special commission to go to the Pacific coast to investigate the character, extent, and effect of Chinese immigration. This committee was appointed in July, 1876.

In the party conventions of 1876 the Republicans declared it to be—

> The immediate duty of Congress to fully investigate the effect of the immigration and importation of Mongolians upon the moral and material interests of the country.

The Democrats went further and demanded—

> Such modification of the treaty with the Chinese Empire, or such legislation within constitutional limitations, as shall prevent further importation or immigration of the Mongolian race.

CONGRESSIONAL INQUIRY OF 1876–77.

On February 27, 1877, the report[a] of the joint special committee sent to California to study the question was submitted to Congress. The committee as appointed consisted of Messrs. Morton, of Indiana; Meade, of New York; Wilson, of Massachusetts; Cooper, of New York; Sargent and Piper, of California. Because of sickness and resignations, the final report was made by Mr. Cooper, Mr. Sargent, and Mr. Piper. The report is principally interesting as showing the sentiment of that State toward the Chinese and was entirely unfavorable to them. It was claimed that the Chinese had no desire for progress; that they were filthy in their habits; that in point of morals they were inferior to any European race; that they were cruel to their sick, often putting them out into the street to die; and, finally, that they did not and never could assimilate with the whites. While admitting that these views were challenged by a considerable and respectable class in California, among whom the majority were capitalists and religious teachers, the committee declared that public opinion generally supported them. This was especially true of the laboring classes, whose chief grievance against Chinese was that "they could work for wages that would not furnish the barest necessities of life to an American." The final recommendation of the committee was—

[a] Senate Report No. 689, 44th Cong., 2d sess.

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That measures be taken by the Executive looking toward a modification of the existing treaty with China, confining it to strictly commercial purposes, and that Congress legislate to restrain the great influx of Asiatics to this country. It is not believed that either of these measures would be looked upon with disfavor by the Chinese Government. Whether this is so or not, a duty is owing to the Pacific States and Territories, which are suffering under a terrible scourge, but are patiently waiting for relief from Congress.

Whatever may be thought of this report it showed conclusively the way in which the Chinese were regarded on the Pacific coast. It was this violent denunciation of the Chinese as a class on the part of the Pacific coast that finally led to the passage of the Chinese-exclusion laws.

Though Congress took no immediate action on this report, from that time on protests and bills looking to the exclusion of Chinese were constantly being introduced and considered in Congress. Also, attempts were made to keep down Chinese immigration by means of a high head tax, one bill in 1878 placing it at $250, while evasion was punished by a penalty of five years of hard labor in the State prison. None of these bills got beyond the committee to which they were referred.

Following the appeals of the California legislature in 1877 and 1878, on June 17, 1878, the House concurred in the following resolution as a substitute for one previously presented to the Senate by Senator Sargent:

That the provisions of the existing treaty between the Empire of China and the United States allowing the unrestricted emigration to this country from China might wisely be modified so as to subserve the best interests of both Governments, and the attention of the Executive is respectfully invited to the subject.

This resolution was reported [a] February 25, 1878, by Mr. Willis, of Kentucky, from the Committee on Education and Labor. The accompanying report declared that the Chinese are—

Impregnable against all influence (and that) they remain a quiet, united class, distinct from us in color, size, in features, in dress, in language, in customs, in habits, and in social peculiarities. A nation to be strong should be homogeneous. All the elements that attach themselves to its society should be assimilated rapidly into one harmonious and congruous whole. It is neither possible nor desirable for two distinct races to live harmoniously in the same society and under the same government. If this single proposition be true, the conclusion is sound that Chinese immigration should be restricted or prohibited.

It was urged, moreover—

That with (his) blundering or erroneous perceptions, groveling thoughts, gross passions, and degrading habits, the Chinaman in America can not be considered a desirable member of society, either from a physical or moral standpoint.

During 1879 the Pacific coast Members of Congress continued with the same energy to fight for exclusion legislation. And the memorials from California and the other coast States were as urgent and insistent as ever. In that year their efforts saw the first sign of fruition. Why it came at that time is hard to say. R. Mayo Smith says it was simply a question of "practical politics." [b] But no doubt the continuous demand of the Pacific States forced Congress to take action. There was then first heard from the East the argument that

[a] House Report No. 240, 45th Cong., 2d sess.
[b] R. M. Smith, "Emigration and immigration," p. 252.

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since these Western States were so unanimous in their claim their word ought to be taken as final in regard to the danger of such immigration.

A bill[a] limiting the number of Chinese who would come into the United States upon any one vessel to 15 was introduced by Mr. Wren, of Nevada. It was in charge of Mr. Willis, of Kentucky, chairman of the House Committee on Education and Labor. The arguments against the bill were that it would abrogate the provisions of the Burlingame treaty. While this was the principal opposing argument, claims that the Chinaman was not so harmful as asserted were heard. Those favoring the bill, as shown by the committee report, relied on the old argument of the Chinaman's "sordid, selfish, immoral, nonassimilating habits," while as for waiting for a modification of the treaty, they said they had been waiting for this since 1869, and instead of waiting longer they recommended immediate legislative action.

After being amended by adding a provision for the special abrogation of articles 5 and 6 of the Burlingame treaty, which gave to the Chinaman all privileges enjoyed by "citizens or subjects of the most favored nations," this bill passed the House January 28, 1879, by a vote of 155 to 72, not voting, 61. On February 15, 1879, it passed the Senate by a small majority.

On March 1, 1879, President Hayes returned it with his veto,[b] declaring that history gave no other instance where a treaty had been abrogated by Congress, and that it was not competent to modify a treaty by cutting out certain sections. And even if it were constitutional, seeing that China would probably assent willingly to such a modification, he thought it the better policy to wait for the proper course of diplomatic negotiations.

THE CHINESE TREATY OF 1880.

Congress failed to pass the bill over the veto. Accordingly negotiations were almost immediately begun for the modification of the treaty. On November 17, 1880, a treaty somewhat as desired by the Pacific coast was concluded. It was proclaimed October 5, 1881.[c] The article relating to the limitation and the suspension of Chinese immigration into the United States reads as follows:

> Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interest of that country, or to endanger the good order of said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation of suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

How general anti-Chinese sentiment was on the Pacific coast is shown by the votes of California and Nevada when the question was

[a] H. R. 2423 (H. Rept. No. 62), 45th Cong., 3d sess.
[b] H. Ex. Doc. No. 102, 45th Cong., 3d sess.
[c] Appendix E, p. 131 (22 Stat. L., p. 826).

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submitted to the people in 1880. In California 154,638 voted against and only 883 voted for Chinese immigration. In Nevada, out of a total vote of 18,397, only 183 were in favor of, while 17,259 were against such immigration.

THE CHINESE-EXCLUSION LAW OF 1882.

After the treaty of 1880 was concluded on December 5, 1881, Senator Miller introduced a bill[a] to execute certain treaty stipulations relating to the Chinese. It passed the Senate on March 9, 1882, by a vote of 29 to 15, not voting 32. On March 23 it passed the House by a vote of 167 to 66, not voting 59.

As this bill went to the President for approval it provided that within ninety days after its passage and until twenty years thereafter the coming of Chinese laborers should be suspended. Exception was made to Chinese laborers who were in the United States on November 17, 1880, and those who should come before the act went into effect. Also a complete system of registration, certification, and identification was provided. By the last two sections skilled Chinese laborers were specifically included among the excluded. All state or United States courts were denied the right to admit Chinese to citizenship.

On April 4, 1882, President Arthur returned the bill with his veto.[b] His principal reason for refusing to sign it was that the passage of an act prohibiting immigration for twenty years was an unreasonable suspension of immigration and so a breach of the treaty. The features relating to registration he also claimed served no good purpose. And finally, while deeply convinced of the necessity of some legislation on this subject, he thought it wiser—

> In the first place to make a shorter experiment with a view hereafter of maintaining permanently only such features as time and experience may commend.

The Senate failed to pass the bill over the veto by a vote of 29 to 21, not voting 26.

Within a few weeks four more bills providing for shorter periods of exclusion were introduced. On April 12, 1882, Mr. Page, of California, from the Committee on Education and Labor, reported a bill as a substitute to his bill previously referred to the committee, and on April 17, 1882, it passed the House by a vote of 201 to 37. On April 28, with some amendments, it passed the Senate by a vote of 42 to 25. Though still containing some of the provisions objectionable to the President, he signed it on May 6, 1882. The law of 1882, as amended by act of July 5, 1884, is printed elsewhere.[c]

The law of 1882 provided that all immigration of Chinese laborers, skilled or unskilled, should be suspended for a period of ten years. Provision was also made for the exception of Chinese laborers who were in the United States on November 17, 1880, or who should come within ninety days after the passage of the bill. Right of reentry was given to those lawfully in the United States and who should

[a] S. 71, Forty-seventh Congress, first session.
[b] Ex. Doc. No. 148, Forty seventh Congress, first session.
[c] Appendix E, p. 132 (22 Stat. L., p. 58).

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return to China. This was done by issuing a certificate at the port of departure, such certificate being the sole evidence of a right to return. Penalties for violating the law and provisions for the deportation of Chinese unlawfully landed were included. And, like the first act, this law denied to the state or United States courts the right to naturalize Chinese.

THE CHINESE-EXCLUSION LAW OF 1884.

In the next Congress there were several bills introduced amending the act of 1882. One of these, that of Mr. Henley,[a] of California, was reported favorably by the Committee on Foreign Affairs. The committee declared that—

> This act, prepared by the combined Representatives of three States and two Territories, the portions of the United States now most affected by Chinese immigration, was presented for the sole purpose of perfecting the machinery of exclusion already in existence under the act of 1882.

That act was intended by its originators to exclude Chinese laborers, but, they claimed, failed to do so and required revision to conform to the intent of its framers. To substantiate this view, they cited the case decided by Justices Lowell and Nelson of the United States circuit court in Massachusetts, where a Chinese laborer, born on the island of Hongkong after its cession to Great Britain, was held not to be within the provisions of the act. And to avoid a similar situation the act was extended to all Chinese, subjects of whatever country. To prevent evasions of the law through the "possible interpretations of words 'merchants' and 'travelers,' together with the notorious capabilities of the lower classes of Chinese for perjury," the certificates of the exempt classes were made more elaborate, and the word "merchant" was defined to exclude hucksters, peddlers, and fishermen. The certificates were made the only evidence admissible to establish a right to reenter. These certificates also had to be verified by the United States diplomatic officer at the port of departure.

All attempts to make the bill less severe were futile, and it passed the House by a vote of 184 to 13, not voting 125. The Senate passed it by a vote of 43 to 12, not voting 21. It was approved July 5, 1884.[b]

The Pacific coast States, however, were not satisfied with these laws, and in spite of the treaty provisions providing for the protection and good treatment of all Chinese lawfully within the United States attacks were being continually made upon them in these States. The one at Rock Springs, Wyo., is most frequently referred to. For refusing to join in a strike some 28 Chinese miners were murdered, 15 wounded, and many others driven from their homes.[c] President Cleveland in several messages to Congress recommended the appropriation of various amounts as indemnity for the sufferers. Later, in the proposed treaty of 1888, China claimed an indemnity of $276,619.75, because—

> Chinese subjects being in remote and unsettled regions in the United States, have been the victims of injury in their persons and property at the hands of wicked and lawless men.

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[a] H. R. 1798 (House Report 614), Forty-eighth Congress, first session.
[b] Appendix E, p. 132 (23 Stat., p. 115).
[c] R. M. Smith, "Emigration and immigration," p. 257.

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Coincident with these outbreaks there was a persistent demand for stricter exclusion laws, this demand being especially strong among organized labor.

THE CHINESE TREATY OF 1888.

In 1886 China of her own accord proposed to prohibit the emigration of her laborers to the United States, and also to prohibit the return of any laborers who had gone back to China. She asked that negotiations be entered into for a treaty embodying such provisions. Such a treaty was agreed to and signed by the representatives of the two countries on March 12, 1888. In the meanwhile, attempts at legislation had been given up. A bill[a] passed by the Senate in 1886 perfecting the earlier laws in conformity to certain judicial decisions was forgotten during the negotiations for a new treaty.

Some of the California newspapers could see little good in the treaty as it went to the Senate for ratification. Others, while thinking it did not go far enough, considered it better than nothing. The San Francisco Examiner in referring to it said, "We lose nothing in any respect by the treaty, and where any change is made we gain."[b] Other sections of the country generally approved it.

The treaty as signed provided that Chinese laborers should be excluded for twenty years. No Chinese laborer returning to China was to be allowed to reenter the United States unless he left a wife, child, or parent, or property to the value of $1,000. To avail himself of this right he had to return within a year. Chinese subjects other than laborers had to obtain certificates of identification from consular representatives of the United States at the port of departure. As in the earlier treaty, the Chinaman lawfully residing here was granted all the privileges of citizens of the most-favored nation. Finally, the indemnity fund of $276,619.75, which was asked for losses and injuries suffered by the Chinese in the United States, was included. Before ratifying it the Senate changed two articles of the treaty. By the first all Chinese laborers not then in the United States, but who held return certificates under existing laws, were not to be allowed to enter. The other required the possession of the certificate of identification to insure entry. Thus changed, the treaty was returned to China for ratification.

THE CHINESE-EXCLUSION LAW OF 1888.

Expecting an immediate ratification, on July 15, 1888, Mr. Dolph, of the Committee on Foreign Relations, reported a bill[c] to prohibit the coming of Chinese laborers according to the stipulations of the treaty just ratified. It was passed by the Senate on August 8, by the House on August 20, 1888, and was approved September 13, 1888.[d] The last provision of this act was that it should not go into effect until the final ratification of the treaty, but by a decision of the Solicitor of the Treasury it was decided that sections 5 to 14,

[a] S. bill No. 1991 (S. Rept. No. 835), 49th Cong., 1st sess.
[b] Public Opinion, vol. 4, p. 626, Apr. 7, 1888.
[c] S. bill No. 3304, 50th Cong., 1st sess.
[d] Appendix E, p. 136 (25 Stat. L., p. 476).

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inclusive, of this act did not depend upon the ratification of the treaty of March 12, 1888, and therefore became operative immediately upon the passage of the act.[a]

This act took full advantage of the stipulation of the pending treaty. It provided for the exclusion for twenty years of all Chinese persons, except officials, teachers, students, merchants, and travelers for pleasure or curiosity. They were excepted only upon permission of the Chinese Government evidenced by a certificate. A Chinese laborer having a wife, child, parent, or property in the United States to the value of $1,000 had, for identification, to secure a certificate before leaving the United States, and unless he returned within one year such certificate became void. He must return to the port of departure. Ports of entry were also specifically named. Provisions for the deportation of Chinese found unlawfully living in the United States were included, and penalties were fixed for unlawfully landing or assisting in the landing of Chinese. The making of all rules and regulations for enforcing this act was vested in the Secretary of the Treasury.

No ratification of this treaty followed, and after receipt of unofficial reports that China had rejected it, Congress became impatient. On September 3, 1888, Mr. Scott of Pennsylvania introduced a bill[b] to amend the act of May 6, 1882. There was little delay, and on September 7 it passed the House and four days later the Senate. As passed it was declared not to—

conflict in any way with any treaty stipulations then existing between the United States and China. It merely proposes, under certain conditions, to prohibit Chinese laborers from coming to the United States. If the treaty recently negotiated has been rejected by the Chinese Government, then this bill is essential as the only possible way by which Chinese laborers can be kept out of the United States.

The bill provided that it should be unlawful for any Chinese laborer who was, or might be, a resident of the United States to return to the United States after having once departed. All certificates of identity before provided for were declared void and of no effect in claiming admission. President Cleveland delayed approving this bill some time, waiting for a ratification of the treaty. Finally, receiving a refusal from China to ratify unless the term of years was made shorter and other conditions were changed, on October 1, 1888, he approved the bill.[c] In his message accompanying the approval he justified his action, claiming China's delay was a breach of the existing treaty and such a breach as justified Congress in legislatively dealing with the matter. He recommended the payment of the indemnity provided by the terms of the treaty, and he also recommended that the act should not apply to Chinese already on their way. The indemnity was paid, but legislation making the exception to those on the way was not enacted.

This bill received a share of condemnation from the press of the country, even though the policy of Chinese exclusion had some time since been generally accepted throughout the United States. The

[a] S. Doc. No. 300, p. 23 (note), 57th Cong., 1st sess.
[b] H. R. 11336, 50th Cong., 1st sess.
[c] 25 Stat., p. 504, Appendix O.

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manner of this exclusion was not everywhere popular.[a] The House Committee on Immigration and Naturalization, sent to the Pacific coast to study the Chinese question under a House resolution of March 12, 1890, submitted their report [b] on March 2, 1891. They reported that the number of Chinese in this country, in consequence of the acts of 1882 and 1884, was decreasing, though not as rapidly as the committee thought desirable on account of the difficulty encountered by the officials in executing the law. It was stated that a considerable number unlawfully entered across the Canadian and Mexican borders.

As usual, the universal sentiment was that the Chinese should be excluded, but without interfering with the rights of those already here. Finally, the committee said:

> Your committee, in view of the fact that the present so-called exclusion act will be in force until May 6, 1892, or, as it is claimed by some, until July 5, 1894, deem it necessary to report at the present time a bill making permanent the exclusion of Chinese labor, which your committee is satisfied should be done. The matter can be safely left to be dealt with by the next Congress. We are of the opinion that a reenactment of the present law, making the exclusion of coolies permanent, and a vigorous enforcement of that law and the proper facilities given the officials to bring about such enforcement, is all that is necessary in the premises.

CHINESE-EXCLUSION LAW OF 1892.

On December 10, 1891, Senator Dolph, of Oregon, introduced a bill [c] providing that the act of May 6, 1882, should be continued in force for another 10 years. This bill was passed by the Senate on February 19, 1892. Representative Geary, of California, reported a bill [d] absolutely prohibiting the coming of Chinese persons, except diplomatists, to the United States. All Chinese in the United States were to be obliged to take out certificates, so that the authorities could know their whereabouts. Failure to procure this certificate meant deportation. The Senate bill of Mr. Dolph was not favored in the House, and the more stringent Geary bill was passed on April 4, 1892. When it went to the Senate, the Dolph bill was substituted and a conference asked for. The report of the conference committee was finally adopted and the bill as passed was approved the day before the expiration of the existing law.[e]

The bill, as approved, contained part of the provisions of the Senate bill and part of those of the House bill. All existing laws were continued in force for ten years. All Chinese laborers within the United States must secure certificates within one year, and if any was found without such certificate he was to be liable to deportation, unless he could prove by one credible white witness that he was a resident of the country at the time of the passage of the act and was unable because of sickness or other unavoidable cause to obtain such certificate before. Any Chinese person found to be unlawfully within the United States was liable to imprisonment at hard labor for a period of not more than a year and then deported. This pro-

[a] Public Opinion, vol. 16, 1888, September and October.
[b] House Report 4048, 51st Cong., 2d sess.
[c] S. 540, 52d Cong., 1st sess.
[d] H. R. 6185, 52d Cong., 1st sess.
[e] 27 Stat. L., p. 25, Appendix G.

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vision, however, was held to be unconstitutional in Wong Wing *v.* United States (163 U. S., 228).

Upon the passage of this act certain Chinese persons employed three prominent attorneys of New York—Messrs. Chase, Carter, and Ashton—to render an opinion upon the constitutionality of the law as a whole. Each of them declared it unconstitutional, but on May 15, 1893, the Supreme Court declared it constitutional. Having relied upon the opinions of their attorneys, the Chinese did not register. When the decision of the Supreme Court was rendered the year provided by the statute for certification was ended, and there were some 90,000 unregistered Chinamen in the country, all liable to deportation. After considering the matter and seeing that it would cost more than $6,000,000 to deport them, Congress decided it would be more just and economical to extend the period for obtaining certificates for another six months. Such a bill was passed—known as the McCreary amendment—and was approved on November 3, 1893. Besides extending the period of registration for six months, the section of the act of 1892 providing that "one credible white witness" was necessary to prove a Chinaman a resident of the United States was changed to "one credible witness other than Chinese."

The words "laborers" and "merchants" were defined. It was further provided that photographs must accompany all certificates.

THE CHINESE TREATY OF 1894.

Shortly after the passage of these acts China asked for the opening of negotiations looking to a new treaty. Negotiations were successful and on December 8, 1894, a treaty was proclaimed.[a] This provided for the exclusion of all Chinese laborers for a term of ten years. Those going back to China were allowed to return here providing they had a wife, child, parent, or property worth $1,000 somewhere in the United States. Registration was still required. It practically covered the same grounds as existing legislation, except that the act of October 1, 1888, was repealed. This was the act refusing to Chinese laborers the right to return to the United States after departure therefrom.

By the act of July 7, 1898, following the annexation of Hawaii, Chinese immigration to those islands was declared to be regulated by the laws of the United States. By the act of April 30, 1900, provision was made for the registering of all Chinese persons in the Hawaiian Islands, and Chinese living there were forbidden to enter the United States.

By the act of June 6, 1900, the Commissioner General of Immigration was given charge of the administration of the Chinese-exclusion law in addition to his other duties.

THE CHINESE-EXCLUSION LAW OF 1902.

As the time came for the lapse of the period of exclusion provided by the act of 1892 interest in the exclusion laws again became intense, especially on the Pacific coast. In the national party conventions of

[a] 28 Stat., p. 1210, Appendix E, Pt. IV.

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1900 the Democrats declared for a continuance of the exclusion laws. The American Federation of Labor at their convention in Kentucky in 1900 adopted the following resolution:

Whereas recent events have increased the danger threatening the American workers from Mongolian labor; and

Whereas the Chinese-exclusion law expires in 1902; and

Whereas the Pacific coast and intermountain States are suffering severely from Chinese and Japanese cheap coolie labor: Therefore, be it

Resolved, That Congress strengthen and reenact the Chinese-exclusion law, including in its provisions all Mongolian labor.

On the Pacific coast public sentiment was still strongly in favor of exclusion. A convention held in San Francisco on November 22, 1901, and composed of more than 1,000 representatives of county supervisors, city councils, and trade, commercial, and city organizations declared for a continuance of the exclusion laws.[a]

The Chinese minister to the United States, Wu Ting-Fang, in a letter[b] to the Secretary of State, dated December 10, 1901, discussed the situation and urged "an adjustment of the questions involved more in harmony with the friendly relations of the two Governments." In this letter he dwelt upon the hardship suffered by the Chinese under the existing law and was sorry to say that "merchants and students do not receive the courtesy and consideration due them, but are looked upon as offenders and treated as such." He saw in the exclusion laws injury to the commerce of the United States. Chinese immigration to the Hawaiian Islands, he declared, would be beneficial for the islands. He further said "The unwisdom of the Otis order (extending United States Chinese-exclusion laws to the Philippines) is demonstrated by the situation of affairs in the possessions of other nations in the same quarter of the world."

And finally he recommended deliberation, saying:

In view of the vast interests involved and the commercial and friendly relations between China and the United States, I earnestly hope that no hasty step will be taken looking to the reenactment of the exclusion laws, in deference to the clamor from any quarter, until every effort has been made to obtain a broad and comprehensive view of the question.

The best manner of dealing with the problem he considered to be by means of a nonpartisan committee, which should study the matter and report proper legislation.

The country had by this time become fully accustomed to the exclusion acts and Congress was satisfied with their principle. In the Fifty-seventh Congress, first session, 20 bills providing for the exclusion of Chinese were introduced, and during the session there were 247 petitions received in the House favoring the general exclusion of the Chinese, 30 petitions favoring exclusion from our insular possessions, and 16 petitions to exclude all Asiatics; while there were only 8 petitions against exclusion and 8 favoring admission of the Chinese mercantile classes.

On the 16th of January, 1902, Senator Mitchell, of Oregon, introduced a bill[a] to prohibit the coming of Chinese into the United States and regulating their residence within her territories. A similar

[a] The memorial of this convention, also the arguments of the American Federation, entitled "Meat *v.* Rice," are found in S. Doc. No. 137, 57th Cong., 1st sess.

[b] Doc. 164, 57th Cong., 1st sess.

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bill [a] was introduced in the House by Mr. Kahn, of California. On March 26, 1902, Mr. Perkins, from the Committee on Foreign Affairs, reported Mr. Kahn's bill with a substitute.[b] Several provisions of the bill were stricken out because they were considered unconstitutional. The committee proposed excluding all Chinese laborers, but they wanted to avoid any discourtesy or annoyance to any genuine merchants, students, etc., on the ground that this attitude was necessary to obtain a fare share of the commerce with China. The committee also struck out the clause forbidding the employment of Chinese on ships carrying the American flag in the Pacific Ocean, because it was injurious to American shipping. Following in the main the committee's recommendations the bill passed the House. The clause relating to seamen was restored and all laws were extended to the insular possessions.

In the Senate the bills of Mr. Mitchell and Mr. Kahn were considered too severe, and before passing that body they were amended by providing that all existing laws be reenacted to continue in force until a new treaty should be negotiated. As amended the bill passed by a vote of 76 to 1, not voting 11. Senator Hoar of Massachusetts cast the opposing vote, thus upholding his early position that he could not support legislation which discriminated against race. The House refused to concur in this amendment. But the report of the conference was adopted in the Senate and the House on April 28. The President approved it April 29, 1902.[c]

THE ACT OF 1904.

Upon the refusal of China to continue the treaty of 1894 after 1904, Congress, by section 5 of the deficiency act of April 27, 1904,[d] again reenacted, extended, and continued, without modification, limitation, or condition, all laws then in force "in so far not inconsistent with treaty obligations."

By the act of 1904 all existing legislation was continued in force until otherwise provided by law. All legislation was extended to the insular possessions and Chinese immigration from these islands to the United States or from one island group to another was prohibited, although moving from island to island of the same group was allowed. Certificates of residence were also required in the insular possessions, except Hawaii. The Secretary of the Treasury was charged with the making of regulations for the enforcement of these laws.

THE AGREEMENT WITH JAPAN.

During 1906 the Japanese question became acute, and the Pacific States demanded exclusion legislation for the Japanese the same as existed for the Chinese. This was finally settled in the passport provision inserted in the law of 1907.[e] This has been called the "Cali-

[a] S. 2960 (S. Rept. 776; H. Rept. 9330), 57th Cong., 1st sess.
[b] H. R. 13031 (H. Rept. 1231), 57th Cong., 1st sess.
[c] Appendix E, p. 142 (32 Stat., pt. 1, p. 176).
[d] 33 Stat., p 428, Appendix E.
[e] See pp. 110–111.

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fornia compromise." By it the President was authorized to refuse admission to any aliens making use of passports to the insular possessions, the Canal Zone, or any country other than the United States, to gain admission to the continental United States. The President, in his proclamation of March 14, 1907, availed himself of this provision and excluded—

> Japanese or Korean laborers, skilled or unskilled, who have received passports to go to Mexico, Canada, or Hawaii and come therefrom.

To give this full force an understanding with Japan was reached that the existing policy of discouraging the emigration of her subjects to this country should be continued. This agreement by which the two Governments cooperate to secure an effective enforcement of the regulation—

> Contemplates that the Japanese Government shall issue passports to continental United States only to such of its subjects as are nonlaborers or are laborers who, in coming to the continent, seek to resume a formerly acquired domicile, to join a parent, wife, or children residing there, or to assume active control of an already possessed interest in a farming enterprise in this country.[a]

[a] Report of Commissioner-General of Immigration, 1908, p. 125.

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APPENDIXES.

A.—SYNOPSIS OF IMMIGRATION AND CONTRACT-LABOR LAWS, 1875–1907.

B.—UNITED STATES IMMIGRATION LAWS, 1864–1910.

C.—UNITED STATES CONTRACT-LABOR LAWS, 1885–1887.

D.—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, RETURNING TO THE HOUSE OF REPRESENTATIVES, WITHOUT APPROVAL, HOUSE BILL 7864, ENTITLED "AN ACT TO AMEND THE IMMIGRATION LAWS OF THE UNITED STATES."

E.—TREATIES AND LAWS RESPECTING CHINESE IMMIGRATION, 1881–1904.

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APPENDIX A.

SYNOPSIS OF IMMIGRATION AND CONTRACT LABOR LAWS, 1875–1907.

Item.	Law of 1875.	Law of 1882.	Law of 1885.	Law of 1887.	Law of 1891.	Law of 1893.	Law of 1903.	Law of 1907.
Head tax		A head tax [a] of 50 cents upon all foreigners coming into the United States by steam or sail vessel. The money so collected to be paid into immigrant fund to be used in regulating immigration and caring for needy immigrants (sec. 1).					A head tax of $2 [b] upon all foreigners [c] not citizens of Canada, Cuba, or Mexico coming into the United States by vessel, by railway, or by any other mode of transportation. The money so collected to be paid into the immigrant fund, to be used in regulating immigration and for the costs of reports of decisions of the Federal courts. Aliens in transit through the United States excepted (sec. 1).	A tax of $4 for every alien entering the United States. The money so collected to be paid into the immigrant fund, to be used in regulating immigration, including costs of contract-labor laws, and costs of decisions of the Federal courts. Limit to be paid into immigrant fund in any one year, $2,500,000. Aliens entering the United States after one year's uninterrupted residence in Canada, Newfoundland, Cuba, or Mexico and aliens in transit through the United States excepted from paying the tax. Provision does not apply to aliens arriving in Guam, Porto Rico, or Hawaii (sec. 1). Representatives of foreign governments exempt from all provisions of this law (sec. 41).

[a] By act of 1884 this head tax was not to be collected from passengers coming into the United States by vessel from ports of Canada or Mexico.
[b] By the law of 1894 head tax had been raised to $1.
[c] Exception extended to citizens of Newfoundland.

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Synopsis of immigration and contract labor laws, 1875–1907—Continued.

Item.	Law of 1875.	Law of 1882.	Law of 1885.	Law of 1887.	Law of 1891.	Law of 1893.	Law of 1903.	Law of 1907.
Excluded classes.	Women imported for the purposes of prostitution, and convicts undergoing sentence for a crime not growing out of a political offense (sec. 5).[a]	Idiots, lunatics, persons likely to become public charges, and convicts, except those convicted of political offenses (sec. 2).	.....	Contract laborers.—(Sec. 6.) Exceptions: Professional actors, artists, lecturers; skilled workmen for new industries not yet established in the United States; and personal or domestic servants. Any individual could assist a member of his family, a relative, or friend to come for the purpose of settlement here [sec. 5 (1885)].[c]	Idiots, insane persons, paupers or persons likely to become a public charge; persons suffering from a loathsome or a dangerous contagious disease; polygamists; convicts, except those convicted of political offenses; assisted persons, unless affirmatively shown that they do not belong to any other excluded class (sec. 1).[b]	.....	Idiots, insane persons, epileptics, and persons insane within 5 years; persons who have had two attacks of insanity; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; convicts, except those convicted of purely political offenses; polygamists; anarchists; prostitutes and persons who attempt to bring in prostitutes; those who have been deported within 1 year as being contract laborers; assisted persons, unless affirmatively shown that they do not belong to any excluded class (sec. 2). Also any alien accompanying a helpless rejected alien may be deported with him if his care is needed (sec. 11).[d]	Idiots, imbeciles, feeble-minded persons, epileptics, insane persons, persons insane within 5 years or who have had two previous attacks; paupers; persons likely to become public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended in the foregoing classes, but who are mentally or physically defective, such defect being liable to affect their ability to earn a living; convicts, except those convicted of purely political offenses and those admitting having committed such a crime; polygamists; anarchists; prostitutes, or those bringing in prostitutes; contract laborers;[a] persons deported within a year for being contract laborers; any person assisted to come by another, unless affirmatively shown not to belong to any excluded class; children under 16 unaccompanied by a parent, at discretion of Secretary of Com-

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Contract laborers.	.....	.....	Assisting or encouraging immigration under contract, express or implied, for labor in the United States was forbidden under penalty (sec. 1). Such contracts were void (sec. 2). Penalty recoverable by United States or by whomsoever first brought action in his own name (sec. 3). Master of vessel liable for	Secretary of the Treasury charged with the enforcement of the law of 1885 (sec. 6). Deportation of contract laborers provided for (sec. 8).	Response to foreign advertisements deemed contract, except States may advertise their inducements for immigration (sec. 3). Steamship or transportation companies were forbidden to solicit immigration—penalty attached (sec. 4). Ministers, persons belonging to any recognized profession, and professors in colleges were added to those	.....	Assisting or encouraging immigration under offer, solicitation, promise, or agreement, parole or special, expressed or implied, to perform labor in the United States was forbidden under penalty. Response to foreign advertisements deemed a contract, except States may advertise their inducements for immigration. All such contracts void. Penalty recoverable by United States or by whomsoever first brings action. Master or owner of vessel liable	merce and Labor. Professional actors, artists, lecturers, singers, ministers, professors of colleges, members of any recognized profession, skilled laborers, and personal or domestic servants not excluded as contract laborers (sec. 2). Any alien accompanying a helpless rejected alien may be deported with him if his care is needed (sec. 11).	Assisting or encouraging immigration under offer, solicitation, promise, or agreement, parole or special, expressed or implied, to perform labor in the United States forbidden under penalty. Response to foreign advertisements deemed a contract, except States may advertise their inducements for immigration. All such contracts are void. Penalty recoverable by United States or by whomsoever first brings action. Master or owner of vessel liable

a Chinese coolies also excluded.

b Contract labor laws of 1885 and 1887 in force; but ministers and professors and members of any recognized profession added to those excepted from the provisions of the act in regard to contract laborers (sec. 5).

c Contract laborers were described in act of 1885, but not excluded until 1887.

d While contract laborers were not specifically excluded by this law it was clearly the intent of the law that they should be excluded, and it was so held. The intent of the law in this regard is indicated by the fact that provision was made for the deportation of contract laborers; that steamship companies and others were penalized for bringing them, and that the following classes were excepted from the application of the law in this regard: Professional actors, artists, lecturers, singers, ministers, professors of colleges, persons belonging to any recognized profession, and personal or domestic servants (sec. 2).

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Synopsis of immigration and contract labor laws, 1875–1907—Continued.

Item.	Law of 1875.	Law of 1882.	Law of 1885.	Law of 1887.	Law of 1891.	Law of 1893.	Law of 1903.	Law of 1907.
			knowingly bringing in contract laborers (sec. 4).		who could enter under contract (sec. 5).		sel liable for knowingly bringing in contract laborers (secs. 4–7).	for knowingly bringing in contract laborers (secs. 4–7). $50,000 may be used annually by the Commissioner General of Immigration (from immigrant fund) for special enforcement of the above provisions (sec. 24).
Manifests of incoming passengers.						Manifests made and signed before departure by captain and surgeon. Sworn to before consul, that none of the excluded classes are aboard. Manifests contained: Full name, age, and sex; whether married or single; the occupation; whether able to read or write; the nationality; the last residence; the seaport for landing; the final destination; whether having ticket through to such destination; who paid his passage; whether in possession of thirty dollars, if not, how much;	Manifests made before departure by captain and surgeon. Sworn to before an immigration officer at port of arrival, that none of the excluded classes are aboard. The lists contained: Full name, age, and sex; whether married or single; the occupation; whether able to read or write; the nationality; the race; the last residence; the seaport for landing; the final destination; whether having ticket through to such destination; who paid hispassage; whether in possession of fifty dollars, if less, how much; whether going to join a relative or friend, and if so, what relative or friend; whether ever before in the United	Manifests made before departure by captain and surgeon. Sworn to before an immigration officer at port of arrival, that none of the excluded classes are aboard. The lists contain: Full name, age, and sex; whether married or single; the occupation; whether able to read or write; the nationality; the race; the last residence; the name and address of nearest relative in country from which alien came; the seaport for landing; the final destination; whether having a ticket through to such destination; who paid his passage; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend; wheth-

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							whether going to join a relative, and if so, what relative; whether ever before in the United States, if so, when and where; whether ever in prison or almshouse; whether a polygamist; whether a contract laborer; and what is the immigrant's condition of health, mentally and physically, and whether deformed or crippled (sec. 1).	States, if so, when and where; whether ever in prison, almshouse, or insane asylum; whether a polygamist; whether an anarchist; whether a contract laborer; and what is the alien's condition of health, mental and physical, and whether deformed or crippled (secs. 12-15).	er ever before in the United States, if so, when and where; whether ever in prison, almshouse, or insane asylum; whether a polygamist; whether an anarchist; whether a contract laborer; and what is the alien's condition of health, mental and physical, and whether deformed or crippled (secs. 12-15).
Manifests of outgoing passengers.										Manifests filed by captain with collector of customs before departure. The lists contain: Name, age, sex, nationality, residence in the United States, occupation, and time of last arrival (sec. 12).
Inspection	Every vessel arriving in the United States may be inspected under the direction of the collector of the port if he shall have reason to believe convicts or prostitutes are aboard. No alien certified to as being one of these	The Secretary of the Treasury was charged with executing the act. He may appoint a State board to examine into the condition of passengers arriving at the ports within such State. Those reported as being among excluded class-		Provision of the act of 1882 extended to act of 1885 (sec. 6).	All duties imposed on State boards by act of 1882, section 2, shall be performed by the inspection officers of the United States. Their decision when adverse to the right of alien to land shall be final, unless appeal be taken to superintendent of immigration,	Provision of 1891 in force. Further provided that inspectors shall hold for a special inquiry every person not clearly entitled to land. Special inquiries conducted by four officials appointed by superintendent of immigration or Secretary of the	Inspection shall be made by United States officers, aboard or in a suitable place ashore. The decision of such officer, if favorable to admission of an alien, may be challenged by any other immigration officer. Such challenge will bring the alien before a board of special inquiry. Every alien not clearly entitled to	Inspection shall be made by United States officers, aboard or in a suitable place ashore. The decision of officer, if favorable to admission of an alien, may be challenged by any other immigration officer. Such challenge will bring the alien before a board of special inquiry. Every alien not clearly entitled to land shall be de-

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Synopsis of immigration and contract labor laws, 1875–1907—Continued.

Item.	Law of 1875.	Law of 1882.	Law of 1885.	Law of 1887.	Law of 1891.	Law of 1893.	Law of 1903.	Law of 1907.
	shall be permitted to land, except in obedience to a judicial process, appeal being made to proper court (sec. 5).	es shall not be permitted to land (sec. 2). Regulations established by Secretary of the Treasury (sec. 3).			whose action shall be subject to review by the Secretary of the Treasury. Medical examination by surgeons of Marine-Hospital Service (sec. 8).	Treasury. To admit, favorable decision of three necessary. Dissenting inspector may appeal to superintendent of immigration, whose decision is subject to review by Secretary of the Treasury. Medical examination may be made by any medical officer of Marine-Hospotal Service (secs. 5 and 6).	land shall be detained for such board to examine (secs. 16 and 24). Board shall be of three members, selected by commissioner of the port, from members designated by the Commissioner General of Immigration with approval of Secretary of the Treasury. The decision of two shall prevail and is final, but either alien or dissenting member may appeal through the commissioner of immigration of the port and the Commissioner General of Immigration to the Secretary of the Treasury (sec. 25). Medical examination shall be made by any medical officer of the Marine-Hospital Service who has had 2 years' experience. (Sec. 17.) Rejection by board of special inquiry, upon basis of certificate of medical officer, of aliens suffering with a loathsome or with a dangerous contagious disease not subject to appeal (sec. 10).	tained for such board to examine (secs. 16 and 25). The board shall be of three members, selected by the commissioner of the port, from members selected by the Commissioner General of Immigration, with approval of the Secretary of Commerce and Labor. The decision of two shall prevail, and is final, but either alien or dissenting member may appeal through the commissioner of immigration of the port, and the Commissioner General of Immigration to the Secretary of Commerce and Labor (sec. 25). Medical examination shall be made by any medical officer of the Public Health and Marine-Hospital Service who has had 2 years' experience (sec. 17). Rejection by board of special inquiry, upon basis of certificate of medical officer, of aliens suffering with tuberculosis or with a loathsome or a dangerous contagious disease not subject to appeal (sec. 10).

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Unlawful landing.	Landing before inspection, when such inspection is required, unlawful and forbidden under penalty (sec. 5)	.....	Master of vessel liable for unlawfully landing, with knowledge, any contract laborer (sec. 4).	.....	Unlawfully landing or aiding in the unlawful landing of aliens forbidden under penalty. Landing at a place not designated also forbidden (secs. 6 and 8).	.....	Unlawful landing or aiding in the unlawful landing of aliens forbidden under penalty (sec. 8). Landing at a place not designated also forbidden (sec. 18). Special penalty for bringing aliens suffering with a loathsome or with a dangerous contagious disease (sec. 9).	Unlawful landing or aiding in the unlawful landing of aliens forbidden under penalty (sec. 8). Landing at a place not designated also forbidden (sec. 18). Special penalty for bringing aliens suffering with tuberculosis or with a loathsome or a dangerous contagious disease, or who are idiots, imbeciles, or epileptics (sec. 9).
Deportation..	Convicts and prostitutes shall be returned on vessel bringing them (sec. 5).	The expense of the return of persons not permitted to land shall be paid by the owner of the vessel bringing them. Regulations for such return shall be prescribed by the Secretary of the Treasury (sec. 4).	.....	The expense of the return of contract laborers shall be paid by the owner of the vessel bringing them. Such return shall be immediately under regulations prescribed by the Secretary of the Treasury (sec. 8).[a]	The expense of the return of aliens unlawfully coming to the United States shall be paid by the owner of the vessel bringing them; also any alien found in the United States unlawfully may be returned within one year after arrival at the expense of the transportation company bringing him. Any alien becoming a public charge within a year after landing deemed to have come in violation of the law (secs. 10 and 11).	.....	Those discovered at time of inspection as not entitled to land shall be deported immediately at expense of vessel bringing them. Any alien found a public charge in the United States within two years after landing from causes existing before landing may be deported within two years. Any alien found in the United States, within three years after landing, in violation of this act, shall be deported, within three years, at the expense of, including half of expense to port of departure, person unlawfully inducing him to come, or at the expense of the immigrant fund (secs. 19, 20, and 21).	Those discovered at time of inspection as not entitled to land shall be deported immediately at expense of the owner of vessel bringing them. Any alien found in the United States within three years after landing, in violation of this act, shall be deported within three years. Half of expense to port of departure to be borne by person unlawfully inducing him to come, or paid from immigrant fund. From there at expense of owner of vessel bringing him (secs. 19, 20, and 21).

[a] Provision was made for the deportation of contract laborers within a year after landing by act of October 19, 1888.

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Synopsis of immigration and contract labor laws, 1875–1907—Continued.

Item.	Law of 1875.	Law of 1882.	Law of 1885.	Law of 1887.	Law of 1891.	Law of 1893.[a]	Law of 1903.[b]	Law of 1907.[c]
Administration of the law.	Enforcement of the law vested with collector of the port (sec. 5).	Secretary of the Treasury may contract with State officers to take charge of local affairs of immigration within the State (sec. 2).	.....	Provision of section 2, act of 1882, extended to act of 1885 (sec. 6).	The office of superintendent of immigration[d] established. An officer of the Treasury Department, under the control of the Secretary, to whom he made annual reports and other special reports as might be required (sec. 7).	.....	The Commissioner General of Immigration, in addition to any other duties that may be assigned to him, shall, under the direction of the Secretary of the Treasury, have charge of the administration of all laws[e] relating to the immigration of aliens into the United States.[e] It is his duty, from time to time, to secure information as to the number of aliens detained in penal, reformatory, and charitable institutions in the United States. He may detail immigration officers for temporary service in foreign countries.[b] (sec. 22).	The Commissioner General of Immigration, in addition to any other duties that may be assigned him, shall, under the direction of the Secretary of the Treasury, have charge of the administration of all laws relating to the immigration of aliens into the United States. It is his duty, from time to time, to secure information as to the numbers of aliens detained in penal, reformatory, and charitable institutions in the United States. He may detail immigration officers for temporary service in foreign countries (sec. 22).
Administrative officers.	Collector of the port (sec 5).	State board having charge of local immigration or officers designated by such board (sec. 2).	.....	Provision of section 2, act of 1882, extended to act of 1885 (sec. 6).	Powers granted on State board by act of 1882, section 2, shall be exercised under this law by inspection officers of the United States *f* (sec. 8).	.....	The duties of the commissioners of immigration shall be of an administrative character to be prescribed by regulations prepared with approval of the Secretary of the Treasury (sec. 23). Immigrant inspectors shall be appointed by the Secretary of the Treasury upon	The duties of the commissioners of immigration shall be of an administrative character to be prescribed by regulations prepared with approval of the Secretary of Commerce and Labor (sec. 23). Immigrant inspectors shall be appointed by the Secretary of the Treasury upon rec-

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							recommendation of the Secretary of the Treasury (sec. 24).	ommendation of the Secretary of Commerce and Labor (sec. 24).
Bonds.....	Bonds were received from the owner of vessel for persons landed pending a hearing, conditioned for the return of such persons within six months (sec. 5).	The Secretary of the Treasury shall prescribe all forms of bonds to be used under and in the enforcement of this act (sec. 3).	.....	Provision of section 3, act of 1882, extended to act of 1885 (sec. 7).	.....	No bond that an alien immigrant shall not become a public charge shall be received except with express authority of superintendent of immigration, with the written approval of the Secretary of the Treasury (sec. 7).	No bond that an alien shall not become a public charge shall be received from any person unless by special authority of the Secretary of the Treasury (sec. 26).	Bonds from persons suffering from any physical disability likely to make them become a public charge, except those suffering from tuberculosis or a loathsome or a dangerous contagious disease, may be received against their becoming a public charge, upon approval of the Secretary of Commerce and Labor (sec. 26).
Courts.....	Appeal from decisions made to any proper court or judge. Violations of the act may be proceeded against as in cases of frauds against the	.....	.....	.....	Circuit and district courts of the United States invested with full jurisdiction of all causes arising under provisions of this act (sec. 13). For	.....	Circuit and district courts of the United States invested with full jurisdiction of all causes arising under provisions of this act (sec. 29). For the preservation of peace the jurisdiction of local muni-	Circuit and district courts of the United States invested with full jurisdiction of all causes arising under provisions of this act (sec. 29). For the preservation of peace the jurisdiction of local municipal

[a] By section 8 of this law all transportation companies regularly engaged in transporting alien immigrants shall, twice a year, file certificates that they have kept posted in view in the office of each of their agents in foreign countries a copy of the law of Mar. 3, 1891, and all subsequent laws of this country relative to immigration (not repealed or reenacted by act of 1907).

[b] By resolution of Apr. 28, 1904, the words Secretary of the Treasury were to be replaced by Secretary of Commerce and Labor. The Department of Commerce and Labor was established Feb. 14, 1903, and the Bureau of Immigration transferred to it from the Department of the Treasury. On Feb. 29, 1906, the designation of the Bureau of Immigration was changed to the Bureau of Immigration and Naturalization, and in addition to its other duties was given charge of all matters relating to the naturalization of foreigners.

[c] Section 39 provided for an immigration commission, and the President was given power to call an international conference for the purpose of regulating, by international agreement, the immigration of aliens into the United States. Section 40 gave the Commissioner General of Immigration power to establish a division of information to promote a beneficial distribution of aliens among the States and Territories desiring immigration. Section 1 gave the President power to refuse admission of foreigners to the United States upon passports issued to them to go to any country other than the United States or to any insular possession, or to the Canal Zone.

[d] The designation of Superintendent of Immigration changed to Commissioner General of Immigration by act of Mar. 2, 1895. At this time he was also given charge of the administration of the contract labor laws.

[e] Under act of June 6, 1900, the Commissioner General of Immigration was given charge of the administration of the Chinese exclusion law.

[f] Commissioners of immigration at the several ports were provided for in act of 1894, Aug. 18, and were to be appointed by the President, with the advice and consent of the Senate.

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Synopsis of immigration and contract labor laws, 1875–1907—Continued.

Item.	Law of 1875.	Law of 1882.	Law of 1885.	Law of 1887.	Law of 1891.	Law of 1893.	Law of 1903.	Law of 1907.
	revenue laws (sec. 5).				the preservation of peace the jurisdiction of local municipal courts extends over the immigrant stations (sec. 9).		cipal courts extends over the immigrant stations (sec. 31).	courts extends over the immigrant stations (sec. 31).
Canadian and Mexican borders.					The Secretary of the Treasury may prescribe rules for inspection along the borders of Canada, British Columbia and Mexico. Not more than one inspector to a customs district (sec. 8.)		The Commissioner General of Immigration, with approval of the Secretary of the Treasury, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico (sec. 32).	The Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico (sec. 32).
United States							For the purposes of this act the term United States means the United States, and any waters, territory, or other place now subject to the jurisdiction thereof (sec. 33).	For the purposes of this act the term United States means the United States, and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone (sec. 33).

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APPENDIX B.

UNITED STATES IMMIGRATION LAWS, 1864–1910.

1. IMMIGRATION ACT OF JULY 4, 1864.

(Stat. L., Vol. XIII, p. 385.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to appoint a Commissioner of Immigration, who shall be subject to the direction of the Department of State, shall hold his office for four years, and shall receive a salary at the rate of two thousand five hundred dollars a year. The said commissioner may employ not more than three clerks, of such grade as the Secretary of State shall designate, to be appointed by him, with the approval of the Secretary of State, and to hold their offices at his pleasure.

SEC. 2. And be it further enacted, That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner, whereby emigrants shall pledge the wages of their labor for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law and may be enforced in the courts of the United States or of the several States and Territories; and such advances, if so stipulated in the contract and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated or on property otherwise acquired until liquidated by the emigrant, but nothing herein contained shall be deemed to authorize any contract contravening the Constitution of the United States or creating in any way the relation of slavery or servitude.

SEC. 3. And be it further enacted, That no emigrant to the United States who shall arrive after the passage of this act shall be compulsively enrolled for military service during the existing insurrection, unless such emigrant shall voluntarily renounce under oath his allegiance to the country of his birth and declare his intention to become a citizen of the United States.

SEC. 4. And be it further enacted, That there shall be established in the city of New York an office to be known as the United States emigrant office; and there shall be appointed, by and with the advice and consent of the Senate, an officer for said city, to be known as superintendent of immigration, at an annual salary of two thousand dollars; and the said superintendent may employ a clerk of the first class; and such superintendent shall, under the direction of the Commissioner of Immigration, make contracts with the different railroads and transportation companies of the United States for transportation tickets, to be furnished to such immigrants, and to be paid for by them, and shall, under such rules as may be prescribed by the Commissioner of Immigration, protect such immigrants from imposition and fraud, and shall furnish them such information and facilities as will enable them to proceed in the cheapest and most expeditious manner to the place of their destination. And such superintendent of immigration shall perform such other duties as may be prescribed by the Commissioner of Immigration: *Provided*, That the duties hereby imposed upon the superintendent in the city of New York shall not be held to affect the powers and duties of the commissioner of immigration of the State of New York; and it shall be the duty of said superintendent in the city of New York to see that the provisions of the act commonly known as the passenger act are strictly complied with, and all breaches thereof punished according to law.

SEC. 5. And be it further enacted, That no person shall be qualified to fill any office under this act who shall be directly or indirectly interested in any

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corporation having lands for sale to immigrants, or in the carrying or transportation of immigrants either from foreign countries to the United States and its Territories or to any part thereof, or who shall receive any fee or reward or the promise thereof for any service peformed or any benefit rendered to any person or persons in the line of his duty under this act. And if any officer provided for by this act shall receive from any person or company any fee or reward, or promise thereof, for any services performed or any benefit rendered to any person or persons in the line of his duty under this act he shall, upon conviction, be fined one thousand dollars, or be imprisoned not to exceed three years, at the discretion of a court of competent jurisdiction, and forever after be ineligible to hold any office of honor, trust, or profit in the United States.

SEC. 7. And be it further enacted, That said Commissioner of Immigration shall, at the commencement of each annual meeting of Congress, submit a detailed report of the foreign immigration during the preceding year, and a detailed account of all expenditures under this act.

SEC. 8. And be it further enacted, That the sum of twenty-five thousand dollars or so much thereof as may be necessary, in the judgment of the President, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying the provisions of this act into effect.

Approved, July 4, 1864.

8. IMMIGRATION ACT OF MARCH 3, 1875.

(Stat. L., Vol. XVIII, p. 477.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in determining whether the immigration of any subject of China, Japan, or any Oriental country to the United States is free and voluntary, as provided by section two thousand one hundred and sixty-two of the Revised Code, title "Immigration," it shall be the duty of the consul-general or consul of the United States residing at the port from which it is proposed to convey such subjects, in any vessels enrolled or licensed in the United States, or any port within the same, before delivering to the masters of any such vessels the permit or certificate provided for in such section, to ascertain whether such immigrant has entered into a contract or agreement for a term of service within the United States for lewd and immoral purposes; and if there be such contract or agreement, the said consul-general shall not deliver the required permit or certificate.

SEC. 2. That if any citizen of the United States, or other person amenable to the laws of the United States, shall take, or cause to be taken or transported, to or from the United States any subject of China, Japan, or any Oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, such citizen or other person shall be liable to be indicted therefor, and, on conviction of such offense, shall be punished by a fine not exceeding two thousand dollars and be imprisoned not exceeding one year; and all contracts and agreements for a term of service of such persons in the United States, whether made in advance or in pursuance of such illegal importation, and whether such importation shall have been in American or other vessels, are hereby declared void.

SEC. 3. That the importation into the United States of women for the purposes of prostitution is hereby forbidden; and all contracts and agreements in relation thereto, made in advance or in pursuance of such illegal importation and purposes, are hereby declared void; and whoever shall knowingly and willfully import, or cause any importation of, women into the United States for the purposes of prostitution, or shall knowingly or willfully hold, or attempt to hold, any woman to such purposes, in pursuance of such illegal importation and contract or agreement, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not exceeding five years and pay a fine not exceeding five thousand dollars.

SEC. 4. That if any person shall knowingly and willfully contract, or attempt to contract, in advance or in pursuance of such illegal importation, to supply to another the labor of any cooly or other person brought into the United States in violation of section two thousand one hundred and fifty-eight of the Revised Statutes, or of any other section of the laws prohibiting the cooly trade or of this act, such person shall be deemed guilty of a felony, and, upon conviction thereof in any United States court, shall be fined in a sum not ex-

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ceeding five hundred dollars and imprisoned for a term not exceeding one year.

SEC. 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes, other than political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their emigration, and women "imported for the purposes of prostitution." Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives if he shall have reason to believe that any such obnoxious persons are on board; and the officer making such inspection shall certify the result thereof to the master or other person in charge of such vessel, designating in such certificate the person or persons, if any there be, ascertained by him to be of either of the classes whose importation is hereby forbidden. When such inspection is required by the collector as aforesaid, it shall be unlawful, without his permission, for any alien to leave any such vessel arriving in the United States from a foreign country until the inspection shall have been had and the result certified as herein provided; and at no time thereafter shall any alien certified to by the inspecting officer as being of either of the classes whose immigration is forbidden by this section be allowed to land in the United States, except in obedience to a judicial process issued pursuant to law. If any person shall feel aggrieved by the certificate of such inspecting officer stating him or her to be within either of the classes whose immigration is forbidden by this section, and shall apply for release or other remedy to any proper court or judge, then it shall be the duty of the collector at said port of entry to detain said vessel until a hearing and determination of the matter are had, to the end that if the said inspector shall be found to be in accordance with this section and sustained the obnoxious person or persons shall be returned on board of said vessel, and shall not thereafter be permitted to land, unless the master, owner, or consignee of the vessel shall give bond and security, to be approved by the court or judge hearing the cause, in the sum of five hundred dollars for each such person permitted to land, conditioned for the return of such person, within six months from the date thereof, to the country whence his or her emigration shall have taken place, or unless the vessel bringing such obnoxious person or persons shall be forfeited, in which event the proceeds of such forfeiture shall be paid over to the collector of the port of arrival and applied by him, as far as necessary, to the return of such person or persons to his or her own country within the said period of six months. And for all violations of this act the vessel, by the acts, omissions, or connivance of the owners, master, or other custodian, or the consignee of which the same are committed, shall be liable to forfeiture, and may be proceeded against as in cases of frauds against the revenue laws, for which forfeiture is prescribed by existing law.

3. IMMIGRATION ACT OF AUGUST 3, 1882.

(18 Stat. L., pt. 3, p. 477.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a duty of fifty cents for each and every passenger not a citizen of the United States who shall come by steam or sail vessel from a foreign port to any port within the United States. The said duty shall be paid to the collector of customs of the port to which such passenger shall come, or if there be no collector at such port, then to the collector of customs nearest thereto, by the master, owner, agent, or consignee of every such vessel, within twenty-four hours after the entry thereof into such port. The money thus collected shall be paid into the United States Treasury and shall constitute a fund to be called the immigrant fund, and shall be used, under the direction of the Secretary of the Treasury (Secretary of Commerce and Labor), to defray the expense of regulating immigration under this act, and for the care of immigrants arriving in the United States, for the relief of such as are in distress, and for the general purposes and expenses of carrying this act into effect. The duty imposed by this section shall be a lien upon the vessels which shall bring such passengers into the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy: *Provided*, That no

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greater sum shall be expended for the purposes hereinbefore mentioned at any port than shall have been collected at such port.

SEC. 2. That the Secretary of the Treasury (Secretary of Commerce and Labor) is hereby charged with the duty of executing the provisions of this act and with supervision over the business of immigration to the United States, and for that purpose he shall have power to enter into contracts with such state commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, and to provide for the support and relief of such immigrants therein landing as may fall into distress or need public aid, under the rules and regulations to be prescribed by said Secretary; and it shall be the duty of such state commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel; and for that purpose all or any of such commissioners or officers or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel; and if on such examination there shall be found among such passengers any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge, they shall report the same in writing to the collector of such port, and such person shall not be permitted to land.

SEC. 3. That the Secretary of the Treasury (Secretary of Commerce and Labor) shall establish such regulations and rules and issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated to protect the United States and immigrants into the United States from fraud and loss and for carrying out the provisions of this act and the immigration laws of the United States; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

SEC. 4. That all foreign convicts, except those convicted of political offenses, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury (Secretary of Commerce and Labor) may designate the state board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State whose duty it shall be to execute the provisions of this section without compensation. The Secretary of the Treasury (Secretary of Commerce and Labor) shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came, and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the mode of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessel in which they came.

SEC. 5. That this act shall take effect immediately.

Approved August 3, 1882.

4. IMMIGRATION ACT OF MARCH 3, 1891.

(26 Stat. L., p. 1084.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following classes of aliens shall be excluded from admission into the United States, in accordance with the existing acts regulating immigration, other than those concerning Chinese laborers: All idiots, insane persons, paupers or persons likely to become a public charge, persons suffering from a loathsome or a dangerous contagious disease, persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, polygamists, and also any person whose ticket or passage is paid for with the money of another or who is assisted by others to come, unless it is affirmatively and satisfactorily shown on special inquiry that such person does not belong to one of the foregoing excluded classes, or to the class of contract laborers excluded by the act of February twenty-sixth, eighteen hundred and eighty-five, but this section shall not be held to exclude persons living in the United States from sending for a relative or friend who is not of the excluded classes under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That nothing in this act shall be contrued to apply to or exclude persons convicted of a political offense,

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notwithstanding said political offense may be designated as a "felony, crime, infamous crime, or misdemeanor, involving moral turpitude" by the laws of the land whence he came or by the court convicting.

SEC. 2. That no suit or proceeding for violations of said act of February twenty-sixth, eighteen hundred and eighty-five, prohibiting the importation and migration of foreigners under contract or agreement to perform labor, shall be settled, compromised, or discontinued without the consent of the court entered of record with reasons therefor.

SEC. 3. That it shall be deemed a violation of said act of February twenty-sixth, eighteen hundred and eighty-five, to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a contract as contemplated by such act; and the penalties by said act imposed shall be applicable in such a case: *Provided*, This section shall not apply to States and immigration bureaus of States advertising the inducements they offer for imigration to said States.

SEC. 4. That no steamship or transportation company or owners of vessels shall directly, or through agents, either by writing, printing, or oral representations, solicit, invite, or encourage the immigration of any alien into the United States except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and the terms and facilities of transportation therein; and for a violation of this provision any such steamship or transportation company, and any such owners of vessels, and the agents by them employed, shall be subjected to the penalties imposed by the third section of said act of February twenty-sixth, eighteen hundred and eighty-five, for violations of the provision of the first section of said act.

SEC. 5. That section five of said act of February twenty-sixth, eighteen hundred and eighty-five, shall be, and hereby is, amended by adding to the second proviso in said section the words "nor to ministers of any religious denomination, nor persons belonging to any recognized profession, nor professors for colleges and seminaries," and by excluding from the second proviso of said section the words "or any relative or personal friend."

SEC. 6. That any person who shall bring into or land in the United States by vessel or otherwise, or who shall aid to bring into or land in the United States by vessel or otherwise, any alien not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

SEC. 7. That the office of superintendent of immigration is hereby created and established, and the President, by and with the advice and consent of the Senate, is authorized and directed to appoint such officer, whose salary shall be four thousand dollars per annum, payable monthly. The superintendent of immigration shall be an officer in the Treasury Department, under the control and supervision of the Secretary of the Treasury, to whom he shall make annual reports in writing of the transactions of his office, together with such special reports, in writing, as the Secretary of the Treasury shall require. The Secretary shall provide the superintendent with a suitable furnished office in the city of Washington, and with such books of record and facilities for the discharge of the duties of his office as may be necessary. He shall have a chief clerk, at a salary of two thousand dollars per annum, and two first-class clerks.

SEC. 8. That upon the arrival by water at any place within the United States of any alien immigrants it shall be the duty of the commanding officer and the agents of the steam or sailing vessel by which they came to report the name, nationality, last residence, and destination of every such alien, before any of them are landed, to the proper inspection officers, who shall thereupon go or send competent assistants on board such vessel and there inspect all such aliens, or the inspection officers may order a temporary removal of such aliens for examination at a designated time and place, and then and there detain them until a thorough inspection is made. But such removal shall not be considered a landing during the pendency of such examination. The medical examination shall be made by surgeons of the Marine Hospital Service. In cases where the services of a Marine Hospital surgeon can not be obtained without causing unreasonable delay the inspector may cause an alien to be examined by a civil surgeon and the Secretary of the Treasury shall fix the compensation

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for such examination. The inspection officers and their assistants shall have power to administer oaths, and to take and consider testimony touching the right of any such aliens to enter the United States, all of which shall be entered of record. During such inspection after temporary removal the superintendent shall cause such aliens to be properly housed, fed, and cared for, and also, in his discretion, such as are delayed in proceeding to their destination after inspection. All decisions made by the inspection officers or their assistants touching the right of any alien to land, when adverse to such right, shall be final unless appeal be taken to the superintendent of immigration, whose action shall be subject to review by the Secretary of the Treasury. It shall be the duty of the aforesaid officers and agents of such vessel to adopt due precautions to prevent the landing of any alien immigrant at any place or time other than that designated by the inspection officers, and any such officer or agent or person in charge of such vessel who shall either knowingly or negligently land or permit to land any alien immigrant at any place or time other than that designated by the inspection officers shall be deemed guilty of a misdemeanor and punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

That the Secretary of the Treasury may prescribe rules for inspection along the borders of Canada, British Columbia, and Mexico so as not to obstruct or unnecessarily delay, impede, or annoy passengers in ordinary travel between said countries: *Provided*, That not exceeding one inspector shall be appointed for each customs district, and whose salary shall not exceed twelve hundred dollars per year.

All duties imposed and powers conferred by the second section of the act of August third, eighteen hundred and eighty-two, upon state commissioners, boards, or officers acting under contract with the Secretary of the Treasury shall be performed and exercised, as occasion may arise, by the inspection officers of the United States.

SEC. 9. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States where the various United States immigrant stations are located, the officials in charge of such stations as occasion may require shall admit therein the proper state and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 10. That all aliens who may unlawfully come to the United States shall, if practicable, be immediately sent back on the vessel by which they were brought in. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessel on which such aliens came; and if any master, agent, consignee, or owner of such vessel shall refuse to receive back on board the vessel such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the port from which they came, or to pay the cost of their maintenance while on land, such master, agent, consignee, or owner shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than three hundred dollars for each and every offense; and any such vessel shall not have clearance from any port of the United States while any such fine is unpaid.

SEC. 11. That any alien who shall come into the United States in violation of law may be returned as by law provided, at any time within one year thereafter, at the expense of the person or persons, vessel, transportation company, or corporation bringing such alien into the United States, and if that can not be done, then at the expense of the United States, and any alien who becomes a public charge within one year after his arrival in the United States from causes existing prior to his landing therein shall be deemed to have come in violation of law and shall be returned as aforesaid.

SEC. 12. That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under any existing act or any acts hereby amended, but such prosecution or other proceedings, criminal or civil, shall proceed as if this act had not been passed.

SEC. 13. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act; and this act shall go into effect on the first day of April, eighteen hundred and ninety-one.

Approved, March 3, 1891.

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5. IMMIGRATION ACT OF MARCH 3, 1893.

(27 Stat. L., p. 569.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to conforming to all present requirements of law, upon the arrival of any alien immigrants by water at any port within the United States, it shall be the duty of the master or commanding officer of the steamer or sailing vessel having said immigrants on board to deliver to the proper inspector of immigration at the port lists or manifests made at the time and place of embarkation of such alien immigrants on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each immigrant the full name, age, and sex, whether married or single; the calling or occupation; whether able to read or write; the nationality; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the seaport of landing; whether having a ticket through to such final destination; whether the immigrant has paid his own passage or whether it has been paid by other persons or by any corporation, society, municipality, or government; whether in possession of money, and if so, whether upwards of thirty dollars and how much if thirty dollars or less; whether going to join a relative, and if so, what relative and his name and address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or supported by charity; whether a polygamist; whether under contract, express or implied, to perform labor in the United States; and what is the immigrant's condition of health mentally and physically, and whether deformed or crippled, and if so, from what cause.

SEC. 2. That the immigrants shall be listed in convenient groups and no one list or manifest shall contain more than thirty names.

To each immigrant or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list, and his number on the list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or of the officer first or second below him in command, taken before the United States consul or consular agent at the port of departure, before the sailing of said vessel, to the effect that he has made a personal examination of each and all of the passengers named therein, and that he has caused the surgeon of said vessel sailing therewith to make a physical examination of each of said passengers, and that from his personal inspection and the report of said surgeon he believes that no one of said passengers is an idiot or insane person, or a pauper or likely to become a public charge, or suffering from a loathsome or dangerous contagious disease, or a person who has been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, or a polygamist, or under a contract or agreement, express or implied, to perform labor in the United States, and that also, according to the best of his knowledge and belief, the information in said list or manifest concerning each of said passengers named therein is correct and true.

SEC. 3. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests before the departure of said vessel, and make oath or affirmation in like manner before said consul or consular agent, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the passengers named therein and that said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said passengers. If no surgeon sails with any vessel bringing alien immigrants, the mental and physical examinations and the verifications of the lists or manifests may be made by some competent surgeon employed by the owners of the vessel.

SEC. 4. That in the case of the failure of said master or commanding officer of said vessel to deliver to the said inspector of immigration lists or manifests, verified as aforesaid, containing the information above required as to all alien immigrants on board, there shall be paid to the collector of customs at the port of arrival the sum of ten dollars for each immigrant qualified to enter the United States concerning whom the above information is not contained in any list as aforesaid, or said immigrant shall not be permitted so to enter the United States, but shall be returned like other excluded persons.

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SEC. 5. That it shall be the duty of every inspector of arriving alien immigrants to detain for a special inquiry, under section one of the immigration act of March third, eighteen hundred and ninety-one, every person who may not appear to him to be clearly and beyond doubt entitled to admission, and all special inquiries shall be conducted by not less than four officials acting as inspectors, to be designated in writing by the Secretary of the Treasury or the superintendent of immigration, for conducting special inquiries; and no immigrant shall be admitted upon special inquiry except after a favorable decision made by at least three of said inspectors; and any decision to admit shall be subject to appeal by any dissenting inspector to the superintendent of immigration, whose action shall be subject to review by the Secretary of the Treasury, as provided in section eight of said immigration act of March third, eighteen hundred and ninety-one.

SEC. 6. That section five of the act of March third, eighteen hundred and ninety-one, "in amendment of the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor," is hereby amended by striking out the words "second proviso" where they first occur in said section and inserting the words "first proviso" in their place; and section eight of said act is hereby so amended that the medical examinations of arriving immigrants to be made by surgeons of the Marine-Hospital Service may be made by any regular medical officers of such Marine-Hospital Service detailed therefor by the Secretary of the Treasury; and civil surgeons shall only be employed temporarily from time to time for specific emergencies.

SEC. 7. That no bond or guaranty, written or oral, that an alien immigrant shall not become a public charge shall be received from any person, company, corporation, charitable or benevolent society or association, unless authority to receive the same shall in each special case be given by the Superintendent of Immigration, with the written approval of the Secretary of the Treasury.

SEC. 8. That all steamship or transportation companies, and other owners of vessels, regularly engaged in transporting alien immigrants to the United States, shall twice a year file a certificate with the Secretary of the Treasury that they have furnished, to be kept conspicuously exposed to view in the office of each of their agents in foreign countries authorized to sell emigrant tickets, a copy of the law of March third, eighteen hundred and ninety-one, and of all subsequent laws of this country relative to immigration, printed in large letters, in the language of the country where the copy of the law is to be exposed to view, and that they have instructed their agents to call the attention thereto of persons contemplating emigration before selling tickets to them; and in case of the failure for sixty days of any such company or any such owners to file such a certificate, or in case they file a false certificate, they shall pay a fine of not exceeding five hundred dollars, to be recovered in the proper United States court, and said fine shall also be a lien upon any vessel of said company or owners found within the United States.

SEC. 9. That after the first day of January, eighteen hundred and ninety-three, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with the Ellis Island immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Secretary of the Treasury may prescribe.

SEC. 10. That this act shall not apply to Chinese persons; and shall take effect as to vessels departing from foreign ports for ports within the United States after sixty days from the passage of this act.

Approved, March 3, 1893.

6. IMMIGRATION ACT OF MARCH 3, 1903.

(32 Stat., pt. 1, p. 1213.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a duty of two dollars for each and every passenger not a citizen of the United States, or of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation, from foreign contiguous territory to the United States. The said duty shall be paid to the collector of customs of the

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port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every such vessel or transportation line. The money thus collected shall be paid into the United States Treasury and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of the Treasury to defray the expense of regulating the immigration of aliens into the United States under this act, including the cost of reports of decisions of the federal courts, and digests thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed for the purpose of enforcing the provisions of this act. The duty imposed by this section shall be a lien upon the vessel which shall bring such aliens to ports of the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy; the head tax herein provided for shall not be levied upon aliens in transit through the United States nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, by agreement with transportation lines, as provided in section thirty-two of this act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government or of all forms of law, or the assassination of public officials; prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; those who have been, within one year from the date of the application for admission to the United States, deported as being under offers, solicitations, promises, or agreements to perform labor or service of some kind therein; and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; but this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes: *Provided*, That nothing in this act shall exclude persons convicted of an offense purely political, not involving moral turpitude: *And provided further*, That skilled labor may be imported, if labor of like kind unemployed can not be be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

SEC. 3. That the importation into the United States of any woman or girl for the purposes of prostitution is hereby forbidden; and whoever shall import or attempt to import any woman or girl into the United States for the purposes of prostitution, or shall hold or attempt to hold any woman or girl for such purposes in pursuance of such illegal importation, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not less than one nor more than five years and pay a fine not exceeding five thousand dollars.

SEC. 4. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any alien into the United States, in pursuance of any offer, solicitation, promise, or agreement, parole or special, expressed or implied, made previous to the importation of such alien to perform labor or service of any kind, skilled or unskilled, in the United States.

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SEC. 5. That for every violation of any of the provisions of section four of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien to the United States to perform labor or service of any kind by reason of any offer, solicitation, promise, or agreement, express or implied, parole or special, to or with such alien shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

SEC. 6. That it shall be unlawful and be deemed a violation of section four of this act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section two of this act, and the penalties imposed by section five of this act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

SEC. 7. That no transportation company or owner or owners of vessels or others engaged in transporting aliens into the United States, shall, directly or through agents, either by writing, printing, or oral representations, solicit, invite, or encourage the immigration of any aliens into the United States except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision any such transportation company and any such owner or owners of vessels, and all others engaged in transporting aliens to the United States, and the agents by them employed, shall be subjected to the penalties imposed by section five of this act.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector, or not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars for each and every alien so landed or attempted to be landed, or by imprisonment for a term not less than three months nor more than two years, or by both such fine and imprisonment.

SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien afflicted with a loathsome or with a dangerous contagious disease; and if it shall appear to the satisfaction of the Secretary of the Treasury that any alien so brought to the United States was afflicted with such a disease at the time of foreign embarkation, and that the existence of such disease might have been detected by means of a competent medical examination at such time, such person or transportation company or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers while any such fine imposed upon it remains unpaid, nor shall such fine be remitted.

SEC. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with a loathsome or with a dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this act.

SEC. 11. That upon the certificate of a medical officer of the United States Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, physical disability, or infancy, if such alien is accompanied by another

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alien whose protection or guardianship is required by such rejected alien, the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

SEC. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel, having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage, or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend and his name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise, or agreement, expressed or implied, to perform labor in the United States, and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause.

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or insane person, or a pauper, or is likely to become a public charge, or is suffering from a loathsome or a dangerous contagious disease, or is a person who has been convicted of a felony or other crime or misdemeanor involving moral turpitude, or a polygamist, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

SEC. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessel.

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof as required in sections twelve, thirteen, and fourteen of this act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid.

SEC. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of aliens provided for in sections twelve, thirteen, and fourteen of this act it shall be the duty of said officers to go or send

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competent assistants to the vessels to which said lists or manifests refer and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which such aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

SEC. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for any and all physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergencies for the said service, upon such terms as may be prescribed by the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury. The United States Public Health and Marine-Hospital Service shall be reimbursed by the Immigration Service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of the Treasury.

SEC. 18. That it shall be the duty of the owners, officers and agents of any vessel bringing an alien to the United States to adopt due precautions to prevent the landing of any such alien from such vessel at any time or place other than that designated by the immigration officers, and any such owner, officer, agent, or person in charge of such vessel who shall land or permit to land any alien at any time or place other than that designated by the immigration officers, shall be deemed guilty of a misdemeanor, and shall on conviction be punished by a fine for each alien so permitted to land of not less than one hundred nor more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment, and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported, as provided by law.

SEC. 19. That all aliens brought into this country in violation of law shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessels shall refuse to receive back on board thereof, or of any other vessel owned by the same interest, such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not less than three hundred dollars for each and every such offense; and no such vessel shall have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, may suspend, upon conditions to be prescribed by the Commissioner-General, the deportation of any alien found to have come under promise or agreement of labor or service of any kind if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against the provisions of sections four and five of this act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section seventeen of this act, to be suffering with a loathsome or with a dangerous contagious disease other than one of a quarantinable nature, shall be permitted to land for medical treatment thereof in the hospitals of the United States.

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SEC. 20. That any alien who shall come into the United States in violation of law, or who shall be found a public charge therein, from causes existing prior to landing, shall be deported as hereinafter provided to the country whence he came at any time within two years after arrival at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien into the United States, or, if that can not be done, then at the expense of the immigrant fund referred to in section one of this act.

SEC. 21. That in case the Secretary of the Treasury shall be satisfied that an alien has been found in the United States in violation of this act he shall cause such alien, within the period of three years after landing or entry therein, to be taken into custody and returned to the country whence he came, as provided in section twenty of this act, or, if that can not be so done, at the expense of the immigrant fund provided for in section one of this act; and neglect or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of the Treasury to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this section shall be punished by the imposition of the penalties prescribed in section nineteen of this act.

SEC. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of the Treasury, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bonds, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contracts for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of the Treasury. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the Immigration Service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges; *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of the Treasury, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers for temporary service in foreign countries.

SEC. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared, under the direction or with the approval of the Secretary of the Treasury.

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of the Treasury, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service act of January sixteenth, eighteen hundred and eighty-three: *Provided*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider testimony touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such testimony, and any person to whom such an oath has been administered under the provisions of this act who shall knowingly or willfully give false testimony or swear to any false statement in any way affecting or in relation to the right of an alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien

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whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

SEC. 25. That such boards of special inquiry shall be appointed by the commissioners of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of aliens detained at such ports under the provisions of law. Such boards shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of the Treasury, upon recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep complete permanent records of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail and be final, but either the alien or any dissenting member of said board may appeal, through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration, to the Secretary of the Treasury, whose decision shall then be final; and the taking of such appeal shall operate to stay any action in regard to the final disposal of the alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision.

SEC. 26. That no bond or guaranty, written or oral, that an alien shall not become a public charge shall be received from any person, company, corporation, charitable or benevolent society or association unless authority to receive the same shall in each special case be given by the Commissioner-General of Immigration, with the written approval of the Secretary of the Treasury.

SEC. 27. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 28. That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under any existing act or any acts hereby amended, but such prosecutions or other proceedings, criminal or civil, shall proceed as if this act had not been passed.

SEC. 29. That the circuit and district court of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act.

SEC. 30. That after the first day of January, nineteen hundred and three, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, may prescribe: *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the United States Treasury to the credit of the immigrant fund provided for in section one of this act.

SEC. 31. That for the preservation of the peace, and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel

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between the United States and said countries, and shall have power to enter into contracts with foreign transportation lines for the same purpose.

SEC. 33. That for the purposes of this act the words "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place now subject to the jurisdiction thereof.

SEC. 34. That no intoxicating liquors of any character shall be sold within the limits of the Capitol building of the United States.

SEC. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

SEC. 36. That all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration, or exclusion of, Chinese persons or persons of Chinese descent.

SEC. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his preliminary declaration to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife, or either of said children, shall be found to be affected with any contagious disorder, and if it is proved that said disorder was contracted on board the ship in which they came, and is so certified by the examining surgeon at the port of arrival, such wife or children shall be held, under such regulations as the Secretary of the Treasury shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be deported until such facts have been ascertained.

SEC. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe.

That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury, shall be fined not more than five thousand dollars, or imprisoned for not less than one nor more than five years, or both.

SEC. 39. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who has violated any of the provisions of this act, shall be naturalized or be made a citizen of the United States. All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

That any person who purposely procures naturalization in violation of the provisions of this section shall be fined not more than five thousand dollars, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction is had shall thereupon adjudge and

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declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

That any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceedings, shall be fined not more than five thousand dollars, or imprisoned not less than one nor more than ten years, or both.

The foregoing provisions concerning naturalization shall not be enforced until ninety days after the approval hereof.

Approved, March 3, 1903.

7. IMMIGRATION ACT OF FEBRUARY 20, 1907.

(34 Stat. L., pt. 1, p. 898.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a tax of four dollars for every alien entering the United States. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States. The money thus collected, together with all fines and rentals collected under the laws regulating the immigration of aliens into the United States, shall be paid into the Treasury of the United States, and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States under said laws, including the contract labor laws, the cost of reports of decisions of the Federal courts, and digest thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed to enforce said laws. The tax imposed by this section shall be a lien upon the vessel, or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel, or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied upon aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor upon otherwise admissible residents of any possession of the United States, nor upon aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section thirty-two of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: *Provided further*, That if in any fiscal year the amount of money collected under the provisions of this section shall exceed two million five hundred thousand dollars, the excess above that amount shall not be added to the "immigrant fund:" *Provided further*, That the provisions of this section shall not apply to aliens arriving in Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit

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such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under sixteen years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *And provided further*, That skilled labor may be imported if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

SEC. 3. That the importation into the United States of any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States, any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, or whoever shall hold or attempt to hold any alien woman or girl for any such purpose in pursuance of such illegal importation, or whoever shall keep, maintain, control, support, or harbor in any house or other place, for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl, within three years after she shall have entered the United States, shall, in every such case, be deemed guilty of a felony, and on conviction thereof be imprisoned not more than five years and pay a fine of not more than five thousand dollars; and any alien woman or girl who shall be found an inmate of a house of prostitution or practicing prostitution, at any time within three years after she shall have entered the United States, shall be deemed to be unlawfully within the United States and shall be deported as provided by sections twenty and twenty-one of this act.

SEC. 4. That it shall be a misdemeanor for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in

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any way to assist or encourage the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the terms of the last two provisos contained in section two of this act.

SEC. 5. That for every violation of any of the provisions of section four of this act the persons, partnership, company, or corporation violating the same by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

SEC. 6. That it shall be unlawful and be deemed a violation of section four of this act to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under promise or agreement as contemplated in section two of this act, and the penalties imposed by section five of this act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

SEC. 7. That no transportation company or owner or owners of vessels, or others engaged in transporting aliens into the United States, shall, directly or indirectly, either by writing, printing or oral representation, solicit, invite, or encourage the immigration of any aliens into the United States, but this shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision, any such transportation company, and any such owner or owners of vessels, and all others engaged in transporting aliens into the United States, and the agents by them employed, shall be severally subjected to the penalties imposed by section five of this act.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.

SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

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SEC. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this act.

SEC. 11. That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

SEC. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the name and address of the nearest relative in the country from which the alien came; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States, and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause; that it shall further be the duty of the master or commanding officer of every vessel taking alien passengers out of the United States, from any port thereof, to file before departure therefrom with the collector of customs of such port a complete list of all such alien passengers taken on board. Such list shall contain the name, age, sex, nationality, residence in the United States, occupation, and the time of last arrival of every such alien in the United States, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the collector of customs at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each alien taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section fifteen of this act. That the collector of customs with whom any such list has been deposited in accordance with the provisions of this section shall promptly notify the Commissioner-General of Immigration that such list has been deposited with him as provided and shall make such further disposition thereof as may be required by regulations to be issued by the Commissioner-General of Immigration with the approval of the Secretary of Commerce and Labor: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of the master or commanding officer of any vessel sailing from ports in the Philippine Islands, Guam, Porto Rico, or Hawaii to any port of the United States on the North American Continent to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation, giving the names of all aliens on board said vessel.

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain

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more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idot, or imbecile, or a feeble-minded person, or insane person, or a pauper, or is likely to become a public charge, or is afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or is a person who has been convicted of, or who admits having committed a felony or other crime or misdemeanor involving moral turpitude, or is a polygamist or one admitting belief in the practice of polygamy, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, or a woman or girl coming to the United States for the purpose of prostitution, or for any other immoral purpose, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

SEC. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessel.

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof, as required in sections twelve, thirteen, and fourteen of this act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid: *Provided*, That in the case of failure without good cause to deliver the list of passengers required by section twelve of this act from the master or commanding officer of every vessel taking alien passengers out of the United States, the penalty shall be paid to the collector of customs at the port of departure and shall be a fine of ten dollars for each alien not included in said list; but in no case shall the aggregate fine exceed one hundred dollars.

SEC. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of incoming aliens provided for in sections twelve, thirteen, and fourteen of this act, it shall be the duty of said officers to go or to send competent assistants to the vessel to which said lists or manifests refer, and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the reponsibility for their detention thereafter until the return of such aliens to their care.

SEC. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health and Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects

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or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Public Health and Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner-General of Immigration under the direction or with the approval of the Secretary of Commerce and Labor. The United States Public Health and Marine-Hospital Service shall be reimbursed by the immigration service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of Commerce and Labor.

SEC. 18. That it shall be the duty of the owners, officers, or agents of any vessel or transportation line, other than those railway lines which may enter into a contract as provided in section thirty-two or this act, bringing an alien to the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the negligent failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and be punished by a fine in each case of not less than one hundred nor more than one thousand dollars or by imprisoment for a term not exceeding one year, or by both such fine and imprisonment; and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported as provided in sections twenty and twenty-one of this act.

SEC. 19. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessel shall refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens, or shall fail to detain them thereon, or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than three hundred dollars for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-General of Immigration, with the approval of the Secretary of Commeree and Labor, may suspend, upon conditions to be prescribed by the Commissioner-General of Immigration, the deportation of any alien found to have come in violation of any provision of this act if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section seventeen of this act, to be suffering from tuberculosis or from a loathsome or dangerous contagious disease other than one of quarantinable nature shall be permitted to land for medical treatment thereof in any hospital in the United States unless with the express permission of the Secretary of Commerce and Labor: *Provided*, That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the "immigrant fund," be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported.

SEC. 20. That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the "immigrant fund" provided for in section one of this act, and the

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deportation from such port shall be at the expense of the owner or owners of such vessel or transportation line by which such aliens respectively came: *Provided*, That pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than five hundred dollars with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody and for deportation if he shall be found to be unlawfully within the United States.

SEC. 21. That in case the Secretary of Commerce and Labor shall be satisfied that an alien has been found in the United States in violation of this act, or that an alien is subject to deportation under the provisions of this act or of any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section twenty of this act, and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section nineteen of this act: *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner.

SEC. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of Commerce and Labor, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of Commerce and Labor. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons, in accordance with the provisions of section seventeen, for service in foreign countries.

SEC. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Commerce and Labor.

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service act of January sixteenth, eighteen hundred and eighty-three: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw from the "immigrant fund" annually fifty thousand dollars, or as much thereof as may be necessary, to be expended for the

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salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered under the provisions of this act who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

SEC. 25. That such boards of special inquiry shall be appointed by the commissioner of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal, through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration, to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision which shall be rendered solely upon the evidence adduced before the board of special inquiry: *Provided*, That in every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Commerce and Labor; but nothing in this section shall be construed to admit of any appeal in the case of an alien rejected as provided for in section ten of this act.

SEC. 26. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as he may prescribe, to the people of the United States, holding the United States or any State, Territory, county, municipality, or district thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Govern-

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ment or of any State, Territory, district, county, or municipality in which such alien becomes a public charge.

SEC. 27. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 28. That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters the laws or parts of laws repealed or amended by this act are hereby continued in force and effect.

SEC. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act.

SEC. 30. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe: *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the Treasury of the United States to the credit of the "immigrant fund" provided for in section one of this act.

SEC. 31. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose.

SEC. 33. That for the purpose of this act the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone: *Provided*, That if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

SEC. 34. That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may appoint a commissioner of immigration to discharge at New Orleans, Louisiana, the duties now required of other commissioners of immigration at their respective posts.

SEC. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

SEC. 36. That all aliens who shall enter the United States except at the seaports thereof, or at such place or places as the Secretary of Commerce and Labor may from time to time designate, shall be adjudged to have entered the country unlawfully and shall be deported as provided by sections twenty and twenty-one of this act: *Provided*, That nothing contained in this section shall affect the power conferred by section thirty-two of this act upon the Commissioner-General of Immigration to prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico.

SEC. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any

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contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable or that they can be permitted to land without danger to other persons, they shall, if otherwise admissible, thereupon be admitted.

SEC. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he shall prescribe. That any person who knowingly aids or assists any such person to enter the United States or any territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Commerce and Labor, shall be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

SEC. 39. That a commission is hereby created, consisting of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and three persons, to be appointed by the President of the United States. Said commission shall make full inquiry, examination, and investigation by subcommittee or otherwise into the subject of immigration. For the purpose of said inquiry, examination, and investigation, said commission is authorized to send for persons and papers, make all necessary travel, either in the United States or any foreign country, and, through the chairman of the commission or any member thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the subject, and to employ necessary clerical and other assistance. Said commission shall report to the Congress the conclusions reached by it and make such recommendations as in its judgment may seem proper. Such sums of money as may be necessary for the said inquiry, examination, and investigation are hereby appropriated and authorized to be paid out of the "immigrant fund" on the certificate of the chairman of said commission, including all expenses of the commissioners and a reasonable compensation, to be fixed by the President of the United States, for those members of the commission who are not Members of Congress; and the President of the United States is also authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

SEC. 40. Authority is hereby given the Commissioner-General of Immigration to establish, under the direction and control of the Secretary of Commerce and Labor, a division of information in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the

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resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens who may ask for such information at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner-General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner-General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

SEC. 41. That nothing in this act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or guests.

SEC. 42. It shall not be lawful for the master of a steamship or other vessel whereon immigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein eighteen clear superficial feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and twenty clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel: *Provided*, That if the height between the lower passenger deck and the deck immediately above it is less than seven feet, or if the apertures (exclusive of the side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, the ship shall not carry a greater number of passengers on that deck than in the proportion of one passenger to every thirty clear superficial feet thereof. It shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned. And in sailing vessels such passengers shall be carried or brought only on the deck (not being an orlop deck) that is next below the main deck of the vessel, or in a poop or deck house constructed on the main deck; and the compartment or space, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow one hundred and ten cubic feet for each and every passenger brought therein. And such passengers shall not be carried or brought in any between decks, nor in any compartment, space, poop, or deck house, the height of which from deck to deck is less than six feet. In computing the number of such passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in any such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation. The master of a vessel coming to a port or place in the United States in violation of either of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of passengers other than cabin passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinbefore prescribed, the said master shall be fined fifty dollars for each and every passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

This section shall take effect on January first, nineteen hundred and nine.

SEC. 43. That the act of March third, nineteen hundred and three, being an act to regulate the immigration of aliens into the United states, except section thirty-four thereof, and the act of March twenty-second, nineteen hundred and

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four, being an act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section six, chapter four hundred and fifty-three, third session Fifty-eighth Congress, approved February sixth, nineteen hundred and five, or, prior to January first, nineteen hundred and nine, section one of the act approved August second, eighteen hundred and eighty-two, entitled "An act to regulate the carriage of passengers by sea."

SEC. 44. That this act shall take effect and be enforced from and after July first, nineteen hundred and seven: *Provided, however*, That section thirty-nine of this act and the last proviso of section one shall take effect upon the passage of this act and section forty-two on January first, nineteen hundred and nine.

Approved, February 20, 1907.

8. THE WHITE-SLAVE TRAFFIC ACT OF JUNE 25, 1910.

(36 Stat., 825.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "interstate commerce," as used in this act, shall include transportation from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, and the term "foreign commerce," as used in this act, shall include transportation from any State or Territory or the District of Columbia to any foreign country and from any foreign country to any State or Territory or the District of Columbia.

SEC. 2. That any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce, or in any Territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute, or to give herself up to debauchery, or to engage in any other immoral practice; or who shall knowingly procure or obtain, or cause to be procured or obtained, or aid or assist in procuring or obtaining, any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in any Territory or the District of Columbia, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in any Territory or the District of Columbia, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment of not more than five years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 3. That any person who shall knowingly persuade, induce, entice, or coerce, or cause to be persuaded, induced, enticed, or coerced, or aid or assist in persuading, inducing, enticing, or coercing any woman or girl to go from one place to another in interstate or foreign commerce, or in any Territory or the District of Columbia, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and who shall thereby knowingly cause or aid or assist in causing such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any Territory or the District of Columbia, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than five thousand dollars, or by imprisonment for a term not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. That any person who shall knowingly persuade, induce, entice, or coerce any woman or girl under the age of eighteen years from any State or Territory or the District of Columbia to any other State or Territory or the

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District of Columbia, with the purpose and intent to induce or coerce her, or that she shall be induced or coerced to engage in prostitution or debauchery, or any other immoral practice, and shall in furtherance of such purpose knowingly induce or cause her to go and to be carried or transported as a passenger in interstate commerce upon the line or route of any common carrier or carriers, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment for a term not exceeding ten years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 5. That any violation of any of the above sections two, three, and four shall be prosecuted in any court having jurisdiction of crimes within the district in which said violation was committed, or from, through, or into which any such woman or girl may have been carried or transported as a passenger in interstate or foreign commerce, or in any Territory or the District of Columbia, contrary to the provisions of any of said sections.

SEC. 6. That for the purpose of regulating and preventing the transportation in foreign commerce of alien women and girls for purposes of prostitution and debauchery, and in pursuance of and for the purpose of carrying out the terms of the agreement or project of arrangement for the suppression of the white-slave traffic, adopted July twenty-fifth, nineteen hundred and two, for submission to their respective governments by the delegates of various powers represented at the Paris conference and confirmed by a formal agreement signed at Paris on May eighteenth, nineteen hundred and four, and adhered to by the United States on June sixth, nineteen hundred and eight, as shown by the proclamation of the President of the United States, dated June fifteenth, nineteen hundred and eight, the Commissioner-General of Immigration is hereby designated as the authority of the United States to receive and centralize information concerning the procuration of alien women and girls with a view to their debauchery, and to exercise supervision over such alien women and girls, receive their declarations, establish their identity, and ascertain from them who induced them to leave their native countries, respectively; and it shall be the duty of said Commissioner-General of Immigration to receive and keep on file in his office the statements and declarations which may be made by such alien women and girls, and those which are hereinafter required pertaining to such alien women and girls engaged in prostitution or debauchery in this country, and to furnish receipts for such statements and declarations provided for in this act to the persons, respectively, making and filing them.

Every person who shall keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic, shall file with the Commissioner-General of Immigration a statement in writing setting forth the name of such alien woman or girl, the place at which she is kept, and all facts as to the date of her entry into the United States, the port through which she entered, her age, nationality, and parentage, and concerning her procuration to come to this country within the knowledge of such person, and any person who shall fail within thirty days after such person shall commence to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any of the countries, party to the said arrangement for the suppression of the white-slave traffic, to file such statement concerning such alien woman or girl with the Commissioner-General of Immigration, or who shall knowingly and willfully state falsely or fail to disclose in such statement any fact within his knowledge or belief with reference to the age, nationality, or parentage of any such alien woman or girl, or concerning her procuration to come to this country, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than two thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

In any prosecution brought under this section, if it appear that any such statement required is not on file in the office of the Commissioner-General of Immigration, the person whose duty it shall be to file such statement shall be presumed to have failed to file said statement, as herein required, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the

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reason that the statement so required by him, or the information therein contained, might tend to criminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, matter, or thing, concerning which he may truthfully report in such statement, as required by the provisions of this section.

SEC. 7. That the term "Territory," as used in this act, shall include the district of Alaska, the insular possessions of the United States, and the Canal Zone. The word "person," as used in this act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person, acting for or employed by any other person or by any corporation, company, society, or association within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such other person, or of such company, corporation, society, or association, as well as that of the person himself.

SEC. 8. That this act shall be known and referred to as the "White-slave traffic Act."

Approved June 25, 1910.

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APPENDIX C.

UNITED STATES CONTRACT-LABOR LAWS, 1885–1887.

1. CONTRACT-LABOR ACT OF FEBRUARY 26, 1885.

(23 Stat. L., p. 332.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

SEC. 2. That all contracts or agreements, express or implied, parol or special, which may hereafter be made by and between any person, company, partnership or corporation, and any foreigner or foreigners, alien or aliens, to perform labor or service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia, previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.

SEC. 3. That for every violation of any of the provisions of section one of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the proceeds to be paid into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

SEC. 4. That the master of any vessel who shall knowingly bring within the United States on any such vessel, and land, or permit to be landed, from any foreign port or place, any alien laborer, mechanic, or artisan who, previous to embarkation on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and every such alien laborer, mechanic, or artisan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months.

SEC. 5. That nothing in this act shall be so construed as to prevent any citizen or subject of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigners temporarily residing in the United States as aforesaid; nor shall this act be so construed as to prevent any person, or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the

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United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, artists, lecturers, or singers, nor to persons employed strictly as personal or domestic servants: *Provided*, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family, or any relative or personal friend, to migrate from any foreign country to the United States for the purpose of settlement here.

SEC. 6. That all laws or parts of laws conflicting herewith be, and the same are hereby, repealed.

Approved, February 26, 1885.

2. CONTRACT-LABOR ACT OF FEBRUARY 23, 1887.

(24 Stat. L., p. 414.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, approved February twenty-sixth, eighteen hundred and eighty-five, and to provide for the enforcement thereof, be amended by adding the following:

SEC. 6. That the Secretary of the Treasury (Secretary of Commerce and Labor) is hereby charged with the duty of executing the provisions of this act, and for that purpose he shall have power to enter into contracts with such state commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, under the rules and regulations to be prescribed by said Secretary; and it shall be the duty of such state commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners or officers or such other person or persons as they shall appoint shall be authorized to go on board of and through any such ship or vessel; and if in such examination there shall be found among such passengers any person included in the prohibition in this act, they shall report the same in writing to the collector of such port, and such person shall not be permitted to land.

SEC. 7. That the Secretary of the Treasury (Secretary of Commerce and Labor) shall establish such regulations and rules, and issue from time to time such instructions not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

SEC. 8. That all persons included in the prohibition in this act, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury (Secretary of Commerce and Labor) may designate the state board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State, whose duty it shall be to execute the provisions of this section and shall be entitled to reasonable compensation therefor, to be fixed by regulation prescribed by the Secretary of the Treasury (Secretary of Commerce and Labor). The Secretary of the Treasury (Secretary of Commerce and Labor) shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came, and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the time of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came. And any vessel refusing to pay such expenses shall not thereafter be permitted to land at or clear from any port of the United States. And such expenses shall be a lien on said vessel. That the necessary expense in the execution of this act for the present fiscal year shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 9. That all acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 10. That this act shall take effect at the expiration of thirty days after its passage.

Approved, February 23, 1887.

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APPENDIX D.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, RETURNING TO THE HOUSE OF REPRESENTATIVES, WITHOUT APPROVAL, HOUSE BILL 7864, ENTITLED "AN ACT TO AMEND THE IMMIGRATION LAWS OF THE UNITED STATES."

To the House of Representatives:

I herewith return, without approval, House bill numbered 7864, entitled "An act to amend the immigration laws of the United States."

By the first section of this bill it is proposed to amend section 1 of the act of March 3, 1891, relating to immigration "by adding to the classes of aliens thereby excluded from admission to the United States the following: All persons physically capable and over 16 years of age who can not read and write the English language or some other language; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age, similarly qualified and capable, and a wife or minor child not so able to read and write may accompany or be sent for and come and join the husband or parent similarly qualified and capable."

A radical departure from our national policy relating to immigration is here presented. Heretofore we have welcomed all who came to us from other lands, except those whose moral or physical condition or history threatened danger to our national welfare and safety. Relying upon the jealous watchfulness of our people to prevent injury to our political and social fabric, we have encouraged those coming from foreign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

A century's stupendous growth, largely due to the assimilation and thrift of millions of sturdy and patriotic adopted citizens, attests the success of this generous and free-handed policy, which, while guarding the people's interests, exacts from our immigrants only physical and moral soundness and a willingness and ability to work.

A contemplation of the grand results of this policy can not fail to arouse a sentiment in its defense; for however it might have been regarded as an original proposition and viewed as an experiment, its accomplishments are such that if it is to be uprooted at this late day its disadvantages should be plainly apparent and the substitute adopted should be just and adequate, free from uncertainties, and guarded against difficult or oppressive administration.

It is not claimed, I believe, that the time has come for the further restriction of immigration on the ground that an excess of population overcrowds our land.

It is said, however, that the quality of recent immigration is undesirable. The time is quite within recent memory when the same thing was said of immigrants who, with their descendants, are now numbered among our best citizens.

It is said that too many immigrants settle in our cities, thus dangerously increasing their idle and vicious population. This is certainly a disadvantage. It can not be shown, however, that it affects all our cities, nor that it is permanent; nor does it appear that this condition, where it exists, demands as its remedy the reversal of our present immigration policy.

The claim is also made that the influx of foreign laborers deprives of the opportunity to work those who are better entitled than they to the privilege of earning their livelihood by daily toil. An unfortunate condition is certainly presented when any who are willing to labor are unemployed. But so far as this condition now exists among our people, it must be conceded to be a result of phenomenal business depression and the stagnation of all enterprises in which labor is a factor. With the advent of settled and wholesome financial

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and economic governmental policies and consequent encouragement to the activity of capital, the misfortunes of unemployed labor should, to a great extent at least, be remedied. If it continues, its natural consequences must be to check the further immigration to our cities of foreign laborers and to deplete the ranks of those already there. In the meantime, those most willing and best entitled ought to be able to secure the advantages of such work as there is to do.

It is proposed by the bill under consideration to meet the alleged difficulties of the situation by establishing an educational test by which the right of a foreigner to make his home with us shall be determined. Its general scheme is to prohibit from admission to our country all immigrants "physically capable and over 16 years of age who can not read and write the English language or some other language;" and it is provided that this test shall be applied by requiring immigrants seeking admission to read and afterwards to write not less than 20 nor more than 25 words of the Constitution of the United States in some language, and that any immigrant failing in this shall not be admitted, but shall be returned to the country from whence he came at the expense of the steamship or railroad company which brought him.

The best reason that could be given for this radical restriction of immigration is the necessity of protecting our population against degeneration and saving our national peace and quiet from imported turbulence and disorder.

I can not believe that we would be protected against these evils by limiting immigration to those who can read and write in any language 25 words of our Constitution. In my opinion it is infinitely more safe to admit a hundred thousand immigrants who, though unable to read and write, seek among us only a home and opportunity to work, than to admit one of those unruly agitators and enemies of governmental control, who can not only read and write but delights in arousing by inflammatory speech the illiterate and peacefully inclined to discontent and tumult. Violence and disorder do not originate with illiterate laborers. They are rather the victims of the educated agitator. The ability to read and write as required in this bill, in and of itself, affords, in my opinion, a misleading test of contented industry and supplies unsatisfactory evidence of desirable citizenship or a proper apprehension of the benefits of our institutions. If any particular element of our illiterate immigration is to be feared for other causes than illiteracy, these causes should be dealt with directly instead of making illiteracy the pretext for exclusion to the detriment of other illiterate immigrants against whom the real cause of complaint can not be alleged.

The provisions intended to rid that part of the proposed legislation already referred to from obvious hardship appear to me to be indefinite and inadequate.

A parent, grandparent, wife, or minor child of a qualified immigrant, though unable to read and write, may accompany the immigrant or be sent for to join his family provided the immigrant is capable of supporting such a relative. These exceptions to the general rule of exclusion contained in the bill were made to prevent the separation of families, and yet neither brothers nor sisters are provided for. In order that relatives who are provided for may be reunited, those still in foreign lands must be sent for to join the immigrant here. What formality is necessary to constitute this prerequisite, and how are the facts of relationship and that the relative is sent for to be established? Are the illiterate relatives of immigrants who have come here under prior laws entitled to the advantage of these exceptions? A husband who can read and write and who determines to abandon his illiterate wife abroad will find here under this law an absolutely safe retreat. The illiterate relatives mentioned must not only be sent for, but such immigrant must be capable of supporting them when they arrive. This requirement proceeds upon the assumption that the foreign relatives coming here are in every case by reason of poverty liable to become a public charge unless the immigrant is capable of their support. The contrary is very often true. And yet if unable to read and write, though quite able and willing to support themselves and their relatives here besides, they could not be admitted under the provisions of this bill if the immigrant was impoverished, though the aid of his fortunate but illiterate relative might be the means of saving him from pauperism.

The fourth section of this bill provides "that it shall be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States or to come regularly or habitually

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into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor for wages or salary, returning from time to time to a foreign country." The fifth section provides "that it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act."

The prohibition against the employment of aliens upon any public works of the United States is in line with other legislation of a like character. It is quite a different thing, however, to declare it a crime for an alien to come regularly and habitually into the United States for the purpose of obtaining work from private parties if such alien returns from time to time to a foreign country, and to constitute any employment of such alien a criminal offense.

When we consider these provisions of the bill in connection with our long northern frontier and the boundaries of our States and Territories, often but an imaginary line separating them from the British Dominion, and recall the friendly intercourse between the people who are neighbors on either side, the provisions of this bill affecting them must be regarded as illiberal, narrow, and un-American.

The residents of these States and Territories have separate and especial interests which in many cases make an interchange of labor between their people and their alien neighbors most important, frequently with the advantage largely in favor of our citizens. This suggests the inexpediency of Federal interference with these conditions when not necessary to the correction of a substantial evil affecting the general welfare. Such unfriendly legislation as is proposed could hardly fail to provoke retaliatory measures, to the injury of many of our citizens who now find employment on adjoining foreign soil.

The uncertainty of construction to which the language of these provisions is subject is a serious objection to a statute which describes a crime. An important element in the offense sought to be created by these sections is the coming "regularly or habitually into the United States." These words are impossible of definite and certain construction. The same may be said of the equally important words, "returning from time to time to a foreign country."

A careful examination of this bill has convinced me that for the reasons given, and others not specifically stated, its provisions are unnecessarily harsh and oppressive, and that its defects in construction would cause vexation and its operation would result in harm to our citizens.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1897.*

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APPENDIX E.

TREATIES AND LAWS RESPECTING CHINESE IMMIGRATION, 1881–1904.

1. TREATY BETWEEN THE UNITED STATES AND CHINA, CONCERNING IMMIGRATION.

[Concluded November 17, 1880; ratification advised by the Senate May 5, 1881; ratified by the President May 9, 1881; ratifications exchanged July 19, 1881; proclaimed October 5, 1881.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a treaty between the United States of America and China, for the modification of the existing treaties between the two countries, by providing for the future regulation of Chinese immigration into the United States, was concluded and signed at Peking in the English and Chinese languages, on the seventeenth day of November, in the year of our Lord one thousand eight hundred and eighty, the original of the English text of which treaty is word for word as follows:

Whereas, in the eighth year of Hsien Feng, Anno Domini 1858, a treaty of peace and friendship was concluded between the United States of America and China, and to which were added, in the seventh year of Tung Chih, Anno Domini 1868, certain supplementary articles to the advantage of both parties, which supplementary articles were to be perpetually observed and obeyed:—and

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the territory of the United States, and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing treaties which shall not be in direct contravention of their spirit:—

Now, therefore, the President of the United States of America has appointed James B. Angell, of Michigan, John F. Swift, of California, and William Henry Trescot, of South Carolina as his Commissioners Plenipotentiary; and His Imperial Majesty, the Emperor of China, has appointed Pao Chün, a member of His Imperial Majesty's Privy Council, and Superintendent of the Board of Civil Office; and Li Hungtsao, a member of His Imperial Majesty's Privy Council, as his Commissioners Plenipotentiary; and the said Commissioners Plenipotentiary, having conjointly examined their full powers, and having discussed the points of possible modification in existing treaties, have agreed upon the following articles in modification.

ARTICLE I.

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.[a] The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be

[a] Amended by various provisions of law prohibiting the admission of Chinese laborers to the United States.

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allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with illtreatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

In faith whereof the respective plenipotentiaries have signed and sealed the foregoing at Peking, in English and Chinese, being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from date of its execution.

Done at Peking this seventeenth day of November, in the year of our Lord 1880. Kuanghsü, sixth year, tenth moon, fifteenth day.

JAMES B. ANGELL.	[SEAL.]
JOHN F. SWIFT.	[SEAL.]
WM. HENRY TRESCOT.	[SEAL.]
PAO CHÜN.	[SEAL.]
LI HUNGTSAO.	[SEAL.]

And whereas the said treaty has been duly ratified on both parts and the respective ratifications were exchanged at Peking on the 19th day of July, 1881:

Now, therefore, be it known that I, Chester A. Arthur, President of the United States of America, have caused the said treaty to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in Washington this fifth day of October, in the year of our Lord one thousand eight hundred and eighty-one, and of the Independence of the United States the one hundred and sixth.

[SEAL.] CHESTER A. ARTHUR.

By the President:
JAMES G. BLAINE,
Secretary of State.

8. ACT OF MAY 6, 1882, AS AMENDED AND ADDED TO BY ACT OF JULY 5, 1884.

(22 Stat. L., p. 58; 23 Stat. L., p. 115.)

AN ACT To amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May sixth, eighteen hundred and eighty-two.[a]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the act entitled "An act

[a] The act of May 6, 1882, as amended and added to by the act of July 5, 1884, was continued in force for an additional period of ten years from May 5, 1892, by the act of May 5, 1892 (27 Stat., p. 25), and was, with all laws on this subject in force on April 29, 1902, reenacted, extended, and continued without modification, limitation, or condition by the act of April 29, 1902 (32 Stat., p. 176), as amended by the act of April 27, 1904 (33 Stat., p. 428).

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to execute certain treaty stipulations relating to Chinese," approved May sixth, eighteen hundred and eighty-two, is hereby amended so as to read as follows:

"Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States."

Section two of said act is hereby amended so as to read as follows:

"SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may also be imprisoned for a term not exceeding one year."

Section three of said act is hereby amended so as to read as follows:

"SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, nor shall said sections apply to Chinese laborers, who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place: *Provided:* That all Chinese laborers brought on such vessel shall not be permitted to land except in case of absolute necessity, and must depart with the vessel on leaving port."

NOTE.—Sections 4 and 5, which follow, have been superseded by the act of September 13, 1888, post.

Section four of said act is hereby amended so as to read as follows:

"SEC. 4. That for the purpose of properly identifying Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, and in order to furnish them with the proper evidence of their right to go from and come to the United States as provided by the said act and the treaty between the United States and China dated November seventeenth, eighteen hundred and eighty, the Chinese inspector in charge of the district from which any such Chinese laborer shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese laborer, and cleared or about to sail from his district for a foreign port, and on such vessel make a list of all such Chinese laborers, which shall be entered in registry books to be kept for that purpose, in which shall be stated the individual, family, and tribal name in full, the age, occupation, when and where followed, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each of such Chinese laborers, which books shall be safely kept in the custom-house; and every such Chinese laborer so departing from the United States shall be entitled to and shall receive, free of any charge or cost upon application therefor, from the Chinese inspector in charge or his deputy, in the name of said inspector and attested by said inspector's seal of office, at the time such list is taken, a certificate, signed by the said inspector or his deputy and attested by his seal of office, in such form as the Secretary of Commerce and Labor shall prescribe, which certificate shall contain a statement of the individual, family, and tribal name in full, age, occupation, when and where followed, of the Chinese laborer to whom the certificate is issued, corresponding with the said list and registry in all particulars.

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"In case any Chinese laborer, after having received such certificate, shall leave such vessel before her departure, he shall deliver his certificate to the master of the vessel; and if such Chinese laborer shall fail to return to such vessel before her departure from port, the certificate shall be delivered by the master to the collector of customs for cancellation.

"The certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return to and reenter the United States upon producing and delivering the same to the Chinese inspector in charge of the district at which such Chinese laborer shall seek to reenter, and said certificate shall be the only evidence permissible to establish his right of reentry; and upon delivering of such certificate by such Chinese laborer to the said inspector at the time of reentry in the United States, said inspector shall cause the same to be filed in the custom-house and duly canceled."

SEC. 5. That any Chinese laborer mentioned in section four of this act being in the United States, and desiring to depart from the United States by land, shall have the right to demand and receive, free of charge or cost, a certificate of identification similar to that provided for in section four of this act to be issued to such Chinese laborers as may desire to leave the United States by water; and it is hereby made the duty of the Chinese inspector in charge of the district next adjoining the foreign country to which said Chinese laborer desires to go to issue such certificate, free of charge or cost, upon application by such Chinese laborer, and to enter the same upon registry books to be kept by him for the purpose, as provided for in section four of this act.

Section six of said act is hereby amended so as to read as follows:

"SEC. 6. That in order to the faithful execution of the provisions of this act, every Chinese person, other than a laborer, who may be entitled by said treaty or this act to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign government of which at the time such Chinese person shall be a subject, in each case to be evidenced a certificate issued by such government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States.

"If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid: *Provided*, That nothing in this act nor in said treaty shall be construed as embracing within the meaning of the word 'merchant,' hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

"If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired.

"The certificate provided for in this act, and the identity of the person named therein shall, before such person goes on board any vessel to proceed to the United States, be visèed by the indorsement of the diplomatic representatives of the United States in the foreign country from which such certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue it shall be his duty to refuse to indorse the same.

"Such certificate visèed as aforesaid shall be prima facie evidence of the facts set forth therein, and shall be produced to the Chinese inspector in charge of the port in the district in the United States at which the person named therein shall arrive, and afterward produced to the proper authorities of the

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United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities."

SEC. 7. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

Section eight of said act is hereby amended so as to read as follows:

"SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the Chinese inspector in charge of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Chinese or of any other foreign Government, traveling on the business of that Government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo.

"Any refusal or willful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeitures as are provided for a refusal or neglect to report and deliver a manifest of the cargo."

SEC. 9. That before any Chinese passengers are landed from any such vessel, the Chinese inspector in charge, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law.

Section ten of said act is hereby amended so as to read as follows:

"SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found."

Section eleven of said act is hereby amended so as to read as follows:

"SEC. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year."

Section twelve of said act is hereby amended so as to read as follows:

"SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper Chinese inspector the certificate in this act required of Chinese persons seeking to land from a vessel.

"And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or to remain in the United States; and in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this act or the act of which this is amendatory, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation to be audited and paid by the same officers.

"And the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as

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entitling such Chinese person to come into the United States who may not have been permitted to land from any vessel by reason of any of the provisions of this act."

Section thirteen of said act is hereby amended so as to read as follows:

"SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese or other Governments traveling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons."

SEC. 14. That hereafter no state court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

Section fifteen of said act is hereby amended so as to read as follows:

"SEC. 15. That the provisions of this act shall apply to all subjects of China and Chinese, whether subjects of China or any other foreign power; and the words Chinese laborers, wherever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining."

SEC. 16. That any violation of any of the provisions of this act, or of the act of which this is amendatory, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment.

SEC. 17. That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under the act of which this is amendatory; but such prosecution or other proceeding, criminal or civil, shall proceed as if this act had not been passed.

Approved, July 5, 1884.

8. CHINESE IMMIGRATION LAW OF SEPTEMBER 13, 1888.*

(25 Stat. L., pp. 476–477.)

AN ACT To prohibit the coming of Chinese laborers to the United States.

* * * * * * *

SEC. 5. That from and after the passage of this act, no Chinese laborer in the United States shall be permitted, after having left, to return thereto, except under the conditions stated in the following sections:

SEC. 6. That no Chinese laborer within the purview of the preceding section shall be permitted to return to the United States unless he has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement.

The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife.

If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading this act, or that the debts are unascertained and unsettled, and not promissory notes or other similar acknowledgments of ascertained liability.

SEC. 7. That a Chinese person claiming the right to be permitted to leave the United States and return thereto on any of the grounds stated in the foregoing section, shall apply to the Chinese inspector in charge of the district from which he wishes to depart at least a month prior to the time of his departure, and shall make on oath before the said inspector a full statement descriptive of his family, or property, or debts, as the case may be, and shall furnish to said inspector such proofs of the facts entitling him to return as shall be required by the rules and regulations prescribed from time to time by the Secretary of Commerce and Labor, and for any false swearing in relation thereto he shall incur the penalties of perjury.

*At the time of the passage of this act a proposed treaty with China was under negotiation. As the Chinese Government failed to ratify the treaty, some question arose as to whether this act took effect. Administrative officers held, however, that secs. 5 to 14, excepting sec. 12, did not depend upon the ratification of the treaty, but became operative upon the approval of the act. To remove all possibility of doubt, said sections were reenacted by the acts of 1902 and 1904

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He shall also permit the Chinese inspector in charge to take a full description of his person, which description the collector shall retain and mark with a number.

And if the said inspector, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall at such time and place as he may designate, sign and give to the person applying a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return.

If this last-named certificate be transferred, it shall become void, and the person to whom it was given shall forfeit his right to return to the United States.

The right to return under the said certificate shall be limited to one year; but it may be extended for an additional period, not to exceed a year, in cases where, by reason of sickness or other cause of disability beyond his control, the holder thereof shall be rendered unable sooner to return, which facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and certified by such representative of the United States to the satisfaction of the Chinese inspector in charge at the port where such Chinese person shall seek to land in the United States, such certificate to be delivered by said representative to the master of the vessel on which he departs for the United States.

And no Chinese laborer shall be permitted to reenter the United States without producing to the proper officer in charge at the port of such entry the return certificate herein required. A Chinese laborer possessing a certificate under this section shall be admitted to the United States only at the port from which he departed therefrom, and no Chinese person, except Chinese diplomatic or consular officers, and their attendants, shall be permitted to enter the United States except at the ports of San Francisco, Portland, Oregon, Boston, New York, New Orleans, Port Townsend, or such other ports as may be designated by the Secretary of Commerce and Labor.

SEC. 8. That the Secretary of Commerce and Labor shall be, and he hereby is, authorized and empowered to make and prescribe, and from time to time to change and amend such rules and regulations, not in conflict with this act, as he may deem necessary and proper to conveniently secure to such Chinese persons as are provided for in articles second and third of the said treaty between the United States and the Empire of China, the rights therein mentioned, and such as shall also protect the United States against the coming and transit of persons not entitled to the benefit of the provisions of said article.

And he is hereby further authorized and empowered to prescribe the form and substance of certificates to be issued to Chinese laborers under and in pursuance of the provisions of said articles, and prescribe the form of the record of such certificate and of the proceedings for issuing the same, and he may require the deposit, as a part of such record, of the photograph of the party to whom any such certificate shall be issued.

SEC. 9. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer or other Chinese person, in contravention of the provisions of this act, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished with a fine of not less than five hundred dollars nor more than one thousand dollars, in the discretion of the court, for every Chinese laborer or other Chinese person so brought, and may also be imprisoned for a term of not less than one year, nor more than five years, in the discretion of the court.

SEC. 10. That the foregoing section shall not apply to the case of any master whose vessel shall come within the jurisdiction of the United States in distress or under stress of weather, or touching at any port of the United States on its voyage to any foreign port or place. But Chinese laborers or persons on such vessel shall not be permitted to land, except in case of necessity, and must depart with the vessel on leaving port.

SEC. 11. That any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein required, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a misdemeanor, and upon conviction there-

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of shall be fined in a sum not exceeding one thousand dollars and imprisoned in a penitentiary for a term of not more than five years.

* * * * * * *

SEC. 13. That any Chinese person, or person of Chinese descent, found unlawfully in the United States, or its Territories, may be arrested upon a warrant issued upon a complaint, under oath, filed by any party on behalf of the United States, by any justice, judge, or commissioner of any United States court, returnable before any justice, judge, or commissioner of a United States court, or before any United States court, and when convicted, upon a hearing, and found and adjudged to be one not lawfully entitled to be or remain in the United States, such person shall be removed from the United States to the country whence he came.

But any such Chinese person convicted before a commissioner of a United States court may, within ten days from such conviction, appeal to the judge of the district court for the district.

A certified copy of the judgment shall be the process upon which said removal shall be made, and it may be executed by the marshal of the district, or any officer having authority of a marshal under the provisions of this section.

And in all such cases the person who brought or aided in bringing such person into the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority in reference to carrying out the provisions of this act, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation, to be audited and paid by the same officers.

SEC. 14. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants, who shall be admitted to the United States under special instructions of the Department of Commerce and Labor, without production of other evidence than that of personal identity.

* * * * * * *

Approved, September 13, 1888.

4. ACT OF OCTOBER 1, 1888.

(25 Stat. L., p. 504.)

AN ACT A supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the sixth day of May, eighteen hundred and eighty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart, therefrom, and shall not have returned before the passage of this act, to return to, or remain in, the United States.

SEC. 2. That no certificates of identity provided for in the fourth and fifth sections of the act to which this is a supplement shall hereafter be issued; and every certificate hereto issued in pursuance thereof is hereby declared void and of no effect, and the Chinese laborer claiming admission by virtue thereof shall not be permitted to enter the United States.

SEC. 3. That all the duties prescribed, liabilities, penalties, and forfeitures imposed, and the powers conferred by the second, tenth, eleventh, and twelfth sections of the act to which this is a supplement are hereby extended and made applicable to the provisions of this act.

SEC. 4. That all such part or parts of the act to which this is a supplement as are inconsistent herewith are hereby repealed.

Approved October 1, 1888. Repealed by convention of 1894. Sec. 21, Op. A. G., 68.

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5. CHINESE IMMIGRATION LAW OF MAY 5, 1892.

(27 Stat., p. 25.)

AN ACT To prohibit the coming of Chinese persons into the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this act.

SEC. 2. That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: *Provided*, That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China.

SEC. 3. That any Chinese person or person of Chinese descent arrested under the provisions of this act or the acts hereby extended shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.

SEC. 4. That any such Chinese person or person of Chinese descent convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period of not exceeding one year and thereafter removed from the United States, as hereinbefore provided.

SEC. 5. That after the passage of this act, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus, by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay.

SEC. 6. And it shall be the duty of all Chinese laborers within the limits of the United States at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence, and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as hereinbefore provided, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause, he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness, that he was a resident of the United States at the time of the passage of this act; and if upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court.

And any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge.

SEC. 6 [as amended by section 1 of the act of November 3, 1893]. And it shall be the duty of all Chinese laborers within the limits of the United States who were entitled to remain in the United States before the passage of the act to which this is an amendment to apply to the collector of internal revenue of

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their respective districts within six months after the passage of his act for a certificate of residence; and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act and the act to which this is an amendment, or who, after the expiration of said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as provided in this act and in the act to which this is an amendment, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one credible witness other than Chinese, that he was a resident of the United States on the fifth of May, eighteen hundred and ninety-two; and if, upon the hearing, it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court; and any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge; and that no proceedings for a violation of the provisions of said section six of said act of May fifth, eighteen hundred and ninety-two, as originally enacted, shall hereafter be instituted, and that all proceedings for said violation now pending are hereby discontinued:

Provided, That no Chinese person heretofore convicted in any court of the States or Territories or of the United States of a felony shall be permitted to register under the provisions of this act; but all such persons who are now subject to deportation for failure or refusal to comply with the act to which this is an amendment shall be deported from the United States as in said act and in this act provided, upon any appropriate proceedings now pending or which may be hereafter instituted.

SEC. 7. That immediately after the passage of this act, the Secretary of Commerce and Labor shall make such rules and regulations as may be necessary for the efficient execution of this act, and shall prescribe the necessary forms and furnish the necessary blanks to enable collectors of internal revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants.

Such certificates shall be issued without charge to the applicant, and shall contain the name, age, local residence, and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of Commerce and Labor, and a duplicate thereof shall be filed in the office of the collector of internal revenue for the district within which such Chinaman makes application.

SEC. 8. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars or imprisoned in the penitentiary for a term of not more than five years.

* * * * * * *

Approved, May 5, 1892.

6. CONVENTION OF DECEMBER 8, 1894.

(28 Stat. L., p. 1210.)

ARTICLE I.

The high contracting parties agree that for a period of ten years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

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ARTICLE II.

The preceding article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement. Nevertheless every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return—which facts shall be fully reported to the Chinese consul at the port of departure and by him certified to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

ARTICLE III.

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the Government where they last resided viséed by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

ARTICLE IV.

In pursuance of Article III of the Immigration Treaty between the United States and China, signed at Peking on the 17th day of November, 1880 (the 15th day of the tenth month of Kwanghsü, sixth year), it is hereby understood and agreed that Chinese laborers or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favored nation, excepting the right to become naturalized citizens. And the Government of the United States reaffirms its obligation, as stated in said Article III, to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

ARTICLE V.

The Government of the United States, having by an act of the Congress, approved May 5, 1892, as amended by an act approved November 3, 1893, required all Chinese laborers lawfully within the limits of the United States before the passage of the first named act to be registered as in said acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of such acts, and reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations for the registration, free of charge, of all laborers, skilled or unskilled (not merchants as defined by said acts of Congress), citizens of the United States in China, whether residing within or without the treaty ports.

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And the Government of the United States agrees that within twelve months from the date of the exchange of the ratifications of this convention, and annually thereafter, it will furnish to the Government of China registers or reports showing the full name, age, occupation, and number or place of residence of all other citizens of the United States, including missionaries, residing both within and without the treaty ports of China, not including, however, diplomatic and other officers of the United States residing or travelling in China upon official business together with their body and household servants.

ARTICLE VI.

This convention shall remain in force for a period of ten years beginning with the date of the exchange of ratifications, and, if six months before the expiration of the said period of ten years, neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done in duplicate at Washington, the 17th day of March, A. D. 1894.

WALTER Q. GRESHAM. [SEAL.]
(Chinese Signature.) [SEAL.]

And whereas the said convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the 7th day of December, one thousand eight hundred and ninety-four.

Now therefore be it known that I, Grover Cleveland, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 8th day of December, in the year of our Lord one thousand eight hundred and ninety-four, and of the [SEAL.] independence of the United States the one hundred and nineteenth.

GROVER CLEVELAND.

By the President:
W. Q. GRESHAM,
Secretary of State.

7. CHINESE IMMIGRATION LAW OF APRIL 29, 1902.

(32 Stat. L., pt. 1, p. 176.)

AN ACT To prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

SECTION 1 [as amended and reenacted by section 5 of the deficiency act of April 27, 1904, 33 Stat., pp. 394–428]. All laws in force on the twenty-ninth day of April, nineteen hundred and two, regulating, suspending, or prohibiting the coming of Chinese persons or persons of Chinese descent into the United States, and the residence of such persons therein, including sections five, six, seven, eight, nine, ten, eleven, thirteen, and fourteen of the act entitled "An act to prohibit the coming of Chinese laborers into the United States," approved September thirteenth, eighteen hundred and eighty-eight, be, and the same are hereby, reenacted, extended, and continued, without modification, limitation, or condition; and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory: *Provided, however,* That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group; and any islands within the jurisdiction of any State or the district of Alaska shall be considered a part of the mainland under this section.

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SEC. 2. That the Secretary of Commerce and Labor is hereby authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this act and of the acts hereby extended and continued and of the treaty of December eighth, eighteen hundred and ninety-four, between the United States and China, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of said treaty and said acts.

SEC. 3. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of Commerce and Labor may prescribe, both as to the admission and return of such person or persons.

SEC. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: *Provided, however,* That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this act, said Commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year.

Approved, April 29, 1902.

8. ACT OF APRIL 29, 1902, AS AMENDED AND REENACTED BY SECTION 5 OF THE DEFICIENCY ACT OF APRIL 27, 1904.*

(32 Stat., part 1, p. 176; 33 Stat., pp. 394–428.)

AN ACT To prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

SECTION 1. All laws in force on the twenty-ninth day of April, nineteen hundred and two, regulating, suspending, or prohibiting the coming of Chinese persons or persons of Chinese descent into the United States, and the residence of such persons therein, including sections five, six, seven, eight, nine, ten, eleven, thirteen, and fourteen of the act entitled "An act to prohibit the coming of Chinese laborers into the United States," approved September thirteenth, eighteen hundred and eighty-eight, be, and the same are hereby, reenacted, extended, and continued, without modification, limitation, or condition; and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory: *Provided, however,* That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group; and any island within the jurisdiction of any State or the District of Alaska shall be considered a part of the mainland under this section.

* For explanation of effect of these acts, see 142 Fed., 128.

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SEC. 2. That the Secretary of Commerce and Labor [a] is hereby authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this act and of the acts hereby extended and continued and of the treaty of December eighth, eighteen hundred and ninety-four, between the United States and China, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of said treaty and said acts.

SEC. 3. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of Commerce and Labor may prescribe, both as to the admission and return of such person or persons.

SEC. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: *Provided, however*, That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this act, said commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year.

Approved, April 29, 1902.

[a] By the act of February 14, 1903, entitled "An act to establish the Department of Commerce and Labor" (32 Stat., p. 825), the Commissioner-General of Immigration, the Bureau of Immigration, and the Immigration Service were transferred from the Treasury Department to the Department of Commerce and Labor.

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DIGEST OF IMMIGRATION DECISIONS

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LETTER OF TRANSMITTAL.

THE IMMIGRATION COMMISSION,
Washington, D. C., December 5, 1910.

To the Sixty-first Congress:

I have the honor to transmit herewith, on behalf of the Immigration Commission, a report entitled "Digest of Immigration Decisions," which was prepared for the Commission by John W. Clifton, special agent.

Respectfully,

WILLIAM P. DILLINGHAM,
Chairman.

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DIGEST OF IMMIGRATION DECISIONS.

INTRODUCTORY.

The decisions embodied in this digest of immigration decisions are confined chiefly to those rendered on appeal by courts of final jurisdiction. Originating in the administration of both State and Federal laws, in most instances, the cases have been appealed to the highest courts accessible for the purpose of either testing the laws or obtaining justice. Many cases arising in the State courts were transferred to Federal jurisdiction or appealed to the Federal Supreme Court for final adjudication. As a result the important questions with which immigration officers contend have received the interpretation either of State supreme courts or United States district courts reenforced by that of the United States circuit courts of appeal or the United States Supreme Court. The general principles of law underlying the statutes, rules, and regulations applied to aliens are fairly well settled. The cardinal principles of law involved in the cases adjudicated and also the appropriate methods of application are reduced to a brief and simple statement in the digest. For facility in investigation and for practical utility in application the decisions are grouped under general titles and, further, indexed under the various cases.[a] The general titles are as follows:

Constitutional power of government to regulate residence of aliens within the United States and to remove aliens from the United States.
Status of exclusion treaties and laws.
Evidence.
Procedure.
Deportation.

[a] See pp. 317 to 333.

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CONSTITUTIONAL POWER OF GOVERNMENT TO REGULATE RESIDENCE OF ALIENS WITHIN THE UNITED STATES AND TO REMOVE ALIENS FROM THE UNITED STATES.

[U. S., 1893.]

1 The right of a nation to expel or deport foreigners who have not been naturalized or taken any steps toward becoming citizens of the country rests upon the same grounds, and is as absolute and unqualified, as the right to prohibit and prevent their entrance into the country.—(Fong Yue Ting *v.* United States, 149 U. S., 698; 13 Sup. Ct., 1016; 37 L. Ed., 905. Wong Quan *v.* Same, Id. Lee Joe *v.* Same, Id.)

[U. S., 1889.]

2 Congress has power, even in times of peace, to exclude aliens from or prevent their return to the United States for any reason it may deem sufficient.—(Chae Chan Ping *v.* United States, 130 U. S., 581; 9 Sup. Ct., 623; 32 L. Ed., 1068.)

[U. S., 1893.]

3 The political department of the Federal Government, through the constitutional grant to it of control over international relations, has authority to expel aliens who have taken no steps to become citizens, even though they are subjects of a friendly power, and have acquired a domicile in this country.—(Fong Yue Ting *v.* United States, 149 U. S., 698; 13 Sup. Ct., 1016; 37 L. Ed., 905. Wong Quan *v.* Same, Id. Lee Joe *v.* Same, Id.)

4 Chinese laborers residing in the United States are entitled, like all other aliens, so long as they are permitted by the Government to remain in the country, to all the safeguards of the Constitution, and to the protection of the laws in regard to their rights of person and of property, and to their civil and criminal responsibility; but, as they have taken no steps to become citizens, and are incapable of becoming such under the naturalization laws, they remain subject to the powers of Congress to order their expulsion or deportation whenever, in its judgment, such a measure is necessary or expedient for the public interest.—(Fong Yue Ting *v.* United States, 149 U. S., 698; 13 Sup. Ct., 1016; 37 L. Ed., 905. Wong Quan *v.* Same, Id. Lee Joe *v.* Same, Id.)

5 Congress, having constitutional power to exclude alien-contract laborers, also had power to impose a penalty upon persons who assist in their introduction.—(Lees *v.* United States, 150 U. S., 476; 14 Sup. Ct., 163; 37 L. Ed., 1150.)

[U. S., 1874.]

6 A State, in the exercise of its police power, may exclude foreigners when convicts, lepers, etc., but can not discriminate against the citizens of a foreign treaty power as a class.—(In re Ah Fong, Fed. Cas. No. 102, 3 Sawy., 144.)

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[U. S. Sup., N. Y., 1904.]

1 The enactment of provisions of immigration act, March 3, 1903, ch. 1012, 32 Stat., 1213 (U. S. Comp. St. Supp. 1903, pp. 172–180), for the exclusion and deportation of alien anarchists, does not violate either Constitution of United States, Article III, section 1, or amendments 5 and 6. Order (C. C. 1903) 126 F., 253, affirmed.—(United States *v.* Williams, 194 U. S., 279; 24 Sup. Ct., 719; 48 L. Ed., 979.)

[U. S. D. C., N. Y., 1908.]

2 An alien acquires no rights by a domicile in the country which will relieve her of the effect of a decision of the Department of Commerce and Labor ordering her deportation.—(Ex parte Crawford, 165 F., 830.)

[U. S. D. C., Oreg., 1907.]

3 The right to exclude or expel aliens from the territory of the United States is vested in the political department of the Government and is a right with which the judicial department can have nothing to do except as authorized by treaty or act of Congress.—(United States *v.* Ngum Lun May, 153 F., 209.)

[U. S. Sup., N. Y., 1904.]

4 Congress did not exceed its delegated powers by enacting the provisions of immigration act March 3, 1903, ch. 1012, sec. 2, 32 Stat., 1213 (U. S. Comp. St. Supp. 1903, pp. 172–180), for the exclusion or deportation of alien anarchists. Order (C. C. 1903) 126 F., 253, affirmed.—(United States *v.* Williams, 24 Sup. Ct., 719; 194 U. S., 279; 48 L. Ed., 979.)

5 The conclusion of the immigration inspectors, approved by the Secretary of Commerce and Labor, that an alien came within the provisions of immigration act, March 3, 1903, ch. 1012, sec. 2, 32 Stat., 1213 (U. S. Comp. St. Supp. 1903, pp. 172–180), for the exclusion and deportation of alien anarchists, can not be said, as a matter of law, to be wholly unsupported by the evidence, even though such act be so construed as to include only advocates of the forcible overthrow of the Federal Government or of all governments, or of the assassination of officials, where there was evidence that such alien advocated "as an anarchist" a universal strike, and proposed to lecture upon "the legal murder of 1887," and to address mass meetings on that subject, in association with a person who had been convicted of advocating revolution and murder. Order (C. C. 1903) 126 F., 253, affirmed.—(United States *v.* Williams, 24 Sup. Ct., 719; 194 U. S., 279; 48 L. Ed., 979.)

[U. S. D. C., Oreg., 1907.]

6 Immigration act February 20, 1907, ch. 1134, sec. 1, 34 Stat., 898 (U. S. Comp. St. Sup. 1907, p. 389), provides—

That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possessions of the United States or to the Canal Zone, are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of the labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possession or from the Canal Zone.

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Pursuant to said provision, the President, on March 14, 1907, issued an order that such—

citizens of Japan or Korea, to wit, Japanese or Korean laborers, skilled and unskilled, who have received passports to go to Mexico, Canada, and Hawaii, and come therefrom, be refused permission to enter the continental territory of the United States.

The order further directs the Secretary of Commerce and Labor to take such measures and to make and enforce such rules and regulations as may be necessary to carry the order into effect. *Held*, that neither such statute nor order applies to aliens who have no passports from their governments, nor does the order authorize the exclusion of Japanese or Korean laborers other than those having passports to go to Mexico, Canada, or Hawaii; that a rule, adopted by the commissioner, that if a Japanese or Korean laborer applies for admission and presents no passport it shall be presumed that he did possess a passport limited to Mexico, Canada, and Hawaii, is beyond any power conferred on him by either the act or the President's order, and affords no authority for excluding a Japanese or Korean laborer who presented no passport, the natural presumption in such case being that he had none, and there being no basis for the presumption stated in the rule.—(United States *v.* Hemet, 156 F., 285.)

[Cal., 1872.]

A State may exclude from its limits paupers, vagabonds, and criminals, or sick, diseased, infirm, and disabled persons who are likely to become a public charge, or may admit them only on such terms as will prevent the State from being burdened with their support.—(State *v.* The Constitution, 42 Cal., 578; 10 Am. Rep., 303.) 1

But the State can not, even in the absence of legislation of Congress upon the subject, exclude from its limits, or admit within its limits upon terms, persons in the full possession of their faculties, sound in body, and neither paupers, vagabonds, nor criminals, and in all respects competent to earn a livelihood.—(State *v.* The Constitution, 42 Cal., 578; 10 Am. Rep., 303.) 2

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STATUS OF EXCLUSION TREATIES AND LAWS.

[U. S., 1880.]

Act Pennsylvania, March 25, 1850, providing that, to protect the public health, every vessel arriving from a foreign port shall be visited by the port physician at Philadelphia for the purpose of examining the baggage of the passengers and crew, and that such physician "shall receive and pay over to the board of health the sum of fifty cents" for each person on board, is in violation of United States Constitution, Article I, section 8, as an interference with commerce.—(American S. S. Co. *v.* Board of Health, 26 Int. Rev. Rec., 69.)

Under act Pennsylvania, March 25, 1850, providing that, to protect the public health, every vessel arriving from a foreign port shall be visited by the port physician at Philadelphia for the purpose of examining the baggage of the passengers and crew, and that such physician "shall receive and pay over to the board of health the sum of fifty cents" for each person on board, the fee can not be sustained as a port charge for services rendered, since the service is to the city and not to the vessel.—(American S. S. Co. *v.* Board of Health, 26 Int. Rev. Rec., 69.)

[U. S., 1875.]

A statute which imposes a burdensome and almost impossible condition on the shipmaster as a prerequisite to his landing his passengers, with an alternative payment of a small sum of money for each one of them, is a tax on the shipowner for the right to land such passengers, and in effect, on the passenger himself, since the shipmaster makes him pay it in advance as part of his fare. Such a statute of a State is a regulation of commerce, and, when applied to passengers from foreign countries, is a regulation of commerce with foreign nations. Legislation on the subject which it covers is confided exclusively to Congress by that clause of the Constitution which gives to that body the "right to regulate commerce with foreign nations." It can not be defended as falling within the police power of the State, for legislation is prohibited to the State over all matters on which it is granted exclusively to Congress; nor is the constitutional objection to this tax on the passenger removed because the penalty for failure to pay does not accrue until twenty-four hours after he is landed. The penalty is incurred by the act of landing him without payment, and is, in fact, for the act of bringing him into the State.—(Henderson *v.* City of New York, 92 U. S., 259; 23 L. Ed., 543.)

The statute of California which requires masters and owners of vessels to give bond for the future protection of the State against the support of criminal and infirm passengers is an unauthorized regulation of commerce. If the right of the States to pass statutes to protect themselves in regard to criminal or pauper and the diseased foreigner exists at all, it is limited to such laws as are absolutely necessary for that purpose, and these regulations can not extend so far as to prevent or obstruct other classes of persons from the right to hold personal

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and commercial intercourse with the people of the United States.—(Chy Lung *v.* Freeman, 92 U. S., 275; 23 L. Ed., 550.)

1 Acts Louisiana 1842, No. 123, providing that no free negro shall come into the State on board any vessel as one of the crew or as a passenger, and declaring that any such negro thus coming in shall be imprisoned and detained until the vessel is again ready to proceed to sea when the master of the vessel shall be liable to all costs and expenses, is void, as an interference by the State with navigation in the United States.—(1844, The *Cynosure*, Fed. Cas. No. 3529 (1 Spr., 88); 1859, The *William Jarvis*, Fed. Cas. No. 17697 (1 Spr., 485).)

[U. S., 1874.]

2 The State can not require the master of a ship to give bonds conditioned that immigrants coming on board the ship shall not become public charges.—(In re Ah Fong, Fed. Cas. No. 102, 3 Sawy., 144.)

[U. S., 1837.]

3 Act New York, 1824, requiring masters of vessels arriving at New York to make report of the names, etc., of foreign passengers, etc., is not an interference on the part of the State with commerce between the port of New York and foreign ports.—(City of New York *v.* Miln, 36 U. S. (11 Pet.), 102; 9 L. Ed., 648, affirming Fed. Cas. No. 9618 (2 Paine, 429).)

[U. S., 1849.]

4 The third section of the act of the Legislature of the Commonwealth of Massachusetts, of the 20th of April, 1837, entitled, "An act relating to alien passengers," providing that no alien passengers (except those likely to become paupers, who are prohibited in another section from being landed unless a bond is given to secure the city, town, or State against their support) shall be landed until the sum of $2 is paid to the boarding officer for each passenger so landing, is repugnant to the Constitution and laws of the United States and therefore void.—(Norris *v.* City of Boston, 48 U. S. (7 How.), 283; 12 L. Ed., 702.)

[La., 1874.]

5 Section 2, of the immigration law, enacted March, 1869, and reenacted in Revised Statutes, 1870, section 1722, is not in conflict with the Constitution of the United States, which gives to Congress the exclusive right to regulate commerce with foreign nations and among the several States and with the Indian tribes. The law is simply a police regulation adopted by the State for the protection of its own citizens.—(Immigration Com'rs *v.* Brandt, 26 La. Ann., 29.)

[U. S. C. C., N. Y., 1898.]

6 The Treasury Department may make rules and regulations to carry out the statutes and facilitate the exclusion and return of persons whose immigration Congress has forbidden, but no mere rule can operate to exclude a person not excluded by the statutes.—(In re Kornmehl, 87 F., 314.)

[U. S. C. C. A., N. Y., 1903.]

7 Immigration act March 3, 1903 (ch. 1012, sec. 20, 32 Stat., 1218), provides that any alien who shall be found a public charge in the United States from causes existing prior to landing shall be deported at any time within two years after arrival, at the expense, including one-half of the cost of inland transportation to the port of deporta-

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tion, of the person bringing the alien into the United States. *Held*, that the term "transportation," as so used, should be given its ordinary meaning, viz, carriage from one place to another, and that the phrase "cost of inland transportation" therefore only included the cost of carrying the alien from the inland place where he was found to the port of deportation, and that the Government was therefore not entitled to recover under such section from the steamship company bringing the deported alien into the United States any part of the traveling expenses of an officer sent to bring the alien to the port of deportation.—(United States *v.* Hamburg American Line, 159 F., 104; 86 C. C. A., 294.) 1 2

[U. S. Sup., Wash., 1903.]

Aliens of the excluded class are not protected from deportation by the executive officers of the Government because they have effected an entry into the United States, in view of the power given the Secretary of the Treasury by act October 19, 1888, 25 Stat., 566, ch. 1210 (U. S. Comp. St., 1901, p. 1294), if satisfied that an immigrant has been allowed to land contrary to law, to cause his deportation at any time within a year after landing, which power was again substantially conferred by the provisions of act March 3, 1891, sec. 11, 26 Stat., 1086, ch. 551 (U. S. Comp. St., 1901, p. 1299), that an alien immigrant may be sent out of the country "as provided by law" at any time within a year after his illegal entry into the United States.—(Kaoru Yamataya *v.* Fisher, 23 Sup. Ct., 611; 189 U. S., 86; 47 L. Ed., 721.) 1 3

[U. S. C. C. A., Wash., 1903.]

Under act March 3, 1891, ch. 551, secs. 10–11, 26 Stat., 1086 (U. S. Comp. St., 1901, p. 1299), providing that all aliens unlawfully coming into the country shall, if practicable, be immediately sent back on the vessel by which they were brought in, and that any alien unlawfully coming into the country may be returned as provided by law at any time within a year thereafter, where alien immigrants unlawfully came into the country from France, are then temporarily absent in British Columbia, and return within a year from their arrival from France, they are properly deported to France.—(Lavin *v.* Le Fevre, 125 F. 693; 60 C. C. A., 425.) 2 4

[U. S. D. C., Wash., 1899.]

Neither the act of March 3, 1891 (26 Stat., ch. 551), nor any prior act of Congress confers authority on ministerial officers of the United States to arrest and deport an immigrant who has become domiciled in this country, on the ground that he has become a public charge from causes existing prior to his landing. Such person is within the protection of the fifth constitutional amendment, and can only be deprived of his liberty by judicial proceedings, of which the circuit and district courts are by such act given concurrent jurisdiction.—(In re Yamasaka, 95 F., 652.) 3 5 6

[U. S., 1893.]

The detention and disinfection of immigrants by order of a State board of health, with the purpose of preventing infectious disease, is not a regulation of foreign commerce by a State, within the meaning of the prohibition in Constitution United States, Article I, section 8.—(Minneapolis, St. P. & S. S. M. Ry. Co. *v.* Milner (C. C.), 57 Fed., 276.) 4 7

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[U. S. C. C., Oreg., 1899.]

1 Under act of March 3, 1891, section 8, which provides that the removal of an alien from the vessel on which he arrived by order of the inspection officer shall not be considered a landing during the pendency of the examination, the fact that the alien has been removed from the vessel and committed by the collector to the custody of a sheriff does not affect his rights.—(In re Way Tai, 96 F., 484.)

[U. S. C. C. A., Pa., 1907.]

2 The provision of section 2, act of March 3, 1903, ch. 1012, 32 Stat., 1214 (U. S. Comp. St. Supp., 1905, p. 276), which excludes from admission into the United States "aliens" who are afflicted with a loathsome or with a dangerous contagious disease, can not be construed to apply to aliens who are domiciled in this country, especially in view of the title of the act, which is "An act to regulate the immigration of aliens into the United States," and of its other provisions and prior statutes in pari materia.—(Rodgers *v.* United States, 152 F., 346; 81 C. C. A., 454.)

[U. S. C. C., Oreg., 1908.]

3 Immigration act, February 20, 1907, ch. 1134, secs. 1–44, 34 Stat., 898–911 (U. S. Comp. St. Supp., 1907, pp. 386–418), requiring deportation of aliens unlawfully within the United States is constitutional.—(Ex parte Hamaguchi, 161 F., 185.)

[U. S. D. C., Oreg., 1908.]

4 Act of Congress, March 3, 1903 (ch. 1012, sec. 2, 32 Stat., 1214) and act of February 20, 1907 (ch. 1134, sec. 2, 34 Stat., 898), provide for the exclusion of alien prostitutes. Section 21 of the 1903 act (32 Stat., 1218) provides for the deportation of aliens found in the United States "in violation of this act" within three years of their landing. Section 21 of the 1907 act (34 Stat., 1905) provides for the deportation of aliens subject to deportation under that act or "any" other federal law within the same period. Section 28 of the 1907 act (34 Stat., 907) provides that such act shall not affect any prosecution, suit, action, or proceeding brought, or any "act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of" the act, and as to all such "acts, things, or matters," etc., the laws or parts of laws repealed or amended are continued in force. *Held*, that section 28 continues in force the 1903 act as to the exclusion of alien prostitutes, and saves the Government's right to deport one who landed in 1906, though no proceeding was brought for that purpose until 1908.—(Ex parte Durand, 160 F., 558.)

[U. S. C. C., R. I., 1908.]

5 It was not the purpose of Revised Statutes, section 1994 (U. S. Comp. St., 1901, p. 1268), to override the immigration laws, so as to authorize the admission of the wife of a naturalized alien not otherwise entitled to enter.—(In re Rustigian, 165 F., 980.)

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[U. S. Sup., Ill., 1909.]

Congress had no power to enact act of February 20, 1907, ch. 1134, sec. 3, 34 Stat., 899 (U. S. Comp. St. Supp., 1907, p. 392), for the criminal punishment of the mere keeping, maintaining, supporting, or harboring for the purpose of prostitution any alien woman within three years after she shall have entered the United States.—(Keller *v.* United States, 29 S. Ct., 470; 213 U. S., 138; 53 L. Ed. Ullman *v.* Same, id.) 1

[N. Y., 1891.]

Laws of 1882, chapter 145, providing for the raising by the commissioners of emigration of a fund for the expenses of the inspection and care of alien passengers by contract with carriers of emigrants by vessel to the city of New York is not enforceable, as the subject is solely within the jurisdiction of the United States Congress; and the commissioners are not liable to the city of New York for the care and maintenance by the city of immigrants arriving at that port, where it is not shown that there is any existing fund out of which payment therefor could be made by the commissioners.—(New York *v.* Commissioners of Emigration, 59 Hun., 624, 13 N. Y. Sup., 751.) 2

[Mass., 1842.]

It was within the legislative power to pass the act of 1837, chapter 238, section 3, which prohibits the landing of alien passengers who arrive in any vessel at any port or harbor in this State until the master, owner, or consignee, or agent of the vessel shall pay to the regularly appointed board $2 for each passenger, to be appropriated for the support of foreign paupers.—(Norris *v.* Boston, 45 Mass.; 4 Metc., 282.) 3

[U. S. D. C., Cal., 1897.]

The power of Congress to prescribe such rule of evidence in proceedings for the deportation of Chinese is included within its general authority to exclude aliens, or to prescribe the conditions upon which they may remain in the United States.—(United States *v.* Williams, 83 F., 997.) 4

[U. S. C. C., Ala., 1899.]

The immigration laws of the United States, like all other statutes, must be given a sensible construction, having reference to their purpose, and as so construed they apply only to such aliens as enter or are brought to this country with the intention that they shall become residents thereof.—(United States *v.* Burke, 99 F., 895.) 5

[U. S. C. C. A., Ala., 1899.]

The provisions of act of August 18, 1894, making the decision of the appropriate immigration or customs officer excluding an alien from admission to the United States under any law or treaty conclusive upon the courts does not preclude a court from entertaining jurisdiction to determine the question whether such alien was, in fact, an immigrant within the meaning of such laws.—(United States *v.* Burke, 99 F., 895.) 6

[Cal., 1862.]

Immigration, either temporary or permanent, is an essential ingredient of intercourse and traffic, and the power to regulate com- 7

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merce lodged by the Constitution in the General Government implies the power to regulate both as to persons and as to goods, and its exercise can not be interfered with by any State.—(Lin Sing *v.* Washburn, 20 Cal., 534.)

[Cal., 1894.]

1 Act of March 20, 1891 (Stat. 1891, p. 185), intended to prohibit Chinese from coming into the State, and to prescribe the terms on which those residing in the State may remain or travel between different points in the State, is in conflict with the Constitution of the United States, Article I, section 8, giving the General Government authority to regulate commerce with foreign nations, and is void.—(Ex parte Ah Cue, 101 Cal., 197; 35 Pac., 556. Ex parte Lippman, 35 Pac., 557.)

2 Deportation proceedings under section 6 of the act of May 5, 1892, are in no proper sense a trial and sentence for a crime or offense, but are simply the ascertainment, by appropriate and lawful means, whether the conditions exist upon which Congress has declared Chinese aliens may remain within the country. The order of deportation is not a punishment or banishment for crime, but is merely a method of enforcing the return to his own country of an alien who has not complied with the conditions required to permit him to reside in this country.—(Fong Yue Ting *v.* United States, 149 U. S., 698; Sup. Ct., May 15, 1893.)

3 Section 6 of the act of May 5, 1892, requiring all Chinese laborers then entitled to remain in the United States to register, and providing for the arrest, trial, and deportation of those not registering, is valid and constitutional.—(Ibid.; *see also* the Chinese exclusion case, 130 U. S., 581.)

4 Section 4 of the act of May 5, 1892, providing for the imprisonment at hard labor of all Chinese adjudged to be unlawfully in the United States, is void under Article III and amendments 5 and 6 of the Constitution.—(Wong Wing *v.* U. S., 163 U. S., 228; Sup. Ct., May 18, 1896. United States *v.* Wong Dep Ken, 57 F. R., 206; Dist. Ct., July 31, 1893.)

5 Detention or temporary confinement, as part of the means necessary to give effect to the exclusion or expulsion of Chinese aliens, is constitutional.—(Wong Wing *v.* U. S., 163 U. S., 228; Sup. Ct., May 18, 1896.)

6 Chinese-exclusion act, May 6, 1882, was not intended as a measure to expel Chinese laborers already domiciled in the United States, but to prevent others from coming hereafter.—(In re Ah Sing, F. R., 286; Cir. Ct., Aug. 27, 1882.)

[U. S. Sup., Cal., 1902.]

7 The treaty between China and the United States of December 8, 1894, provided (art. 3, par. 2, 28 Stat., 1211) that—

Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States, * * * subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

The privilege had previously been exercised under regulations prescribed by the Treasury Department, the last of which, prior to the

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treaty, were promulgated September 28, 1889, and were in force when the treaty was ratified. *Held*, that effect of such provision of the treaty was to recognize the regulations then in force, and to agree to their continuance, and to such modifications as might be found necessary to prevent the privilege granted from being abused.—(C. C., 1901. In re Lee Gon Yung, 111 F., 998, affirmed 22 S. Ct., 690; 185 U. S., 306; 46 L. Ed., 921.)

The regulations of the Treasury Department of December 8, 1900, governing the privilege of transit by Chinese laborers across the territory of the United States, which requires that evidence be produced which shall satisfy the collector of customs "that a bona fide transit only was intended," were authorized by the provision of the treaty with China of March 17, 1894 (28 Stat., 1211), that Chinese laborers shall continue to enjoy such privilege of transit, subject to such regulations by the Government of the United States as may be necessary to prevent abuse of the privilege.—(Fok Young Yo *v.* United States, 22 S. Ct., 686; 185 U. S., 296; 46 L. Ed., 917. Lee Gon Yung *v.* Same, 22 S. Ct., 690; 185 U. S., 306; 46 L. Ed., 921, affirming In re Lee Gon Yung (C. C. 1901, 111 F., 998.) 1

[Cal., 1862.]

The laws of Congress allowing foreigners to come to this country necessarily allow them to remain here, and any state law preventing either their coming to or residing in the State is unconstitutional and void.—(Lin Sing *v.* Washburn, 20 Cal., 534.) 2

[U. S., 1849.]

A state statute laying a tax upon aliens arriving in the ports of the State is unconstitutional.—(Smith *v.* Turner, 48 U. S. (7 How.), 283; 12 L. Ed., 702.) 3

[U. S., 1875.]

A state statute which requires the master of a vessel to give a bond to indemnify the municipalities of the State against any expense for the relief or support of passengers carried on such vessel, or in lieu thereof pay a certain sum for each passenger brought to the ports of the State, is a regulation of commerce, and therefore unconstitutional.—(Henderson *v.* Wickham, 92 U. S., 259; 23 L. Ed., 543.) 4

[U. S., 1875.]

The California statute regulating the arrival of passengers from a foreign port is palpably unconstitutional and void. Its purpose is to extort money from a large class of passengers, or prevent their immigration. It operates directly on the passenger; for, unless the master or owner of a vessel gives an onerous bond for the future protection of the State against the support of the passenger, or pays such sum as the commissioner of immigration chooses to exact, he is not permitted to land from the vessel. It extends far beyond the necessity in which the right, if it exists, is founded of protecting the State from the diseased, poor, and criminal classes, and invades the right of Congress to regulate commerce with foreign nations.—(Chy Lung *v.* Freeman, 92 U. S., 275; 23 L. Ed., 550.) 5

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[U. S., 1883.]

1 Act of New York, May 31, 1881, levying a duty of $1 on every alien passenger coming by vessel from a foreign port to the port of New York, though intended to secure an inspection of passengers with reference to the landing of criminals, paupers, lunatics, orphans, or infirm persons, subject to become a public charge, is not an inspection law within the meaning of the Constitution of the United States, Article I, section 10, clause 2, but is void as a regulation of foreign commerce.—(People *v.* Compagnie Generale Transatlantique, 107 U. S., 59; 2 Sup. Ct., 87; id., 10 Fed., 357.)

2 Act of Congress, August 3, 1882, "to regulate immigration," which imposes upon the owners of vessels who shall bring passengers from a foreign port into a port of the United States a duty of 50 cents for every such passenger not a citizen of this country, is valid.—(Edye *v.* Robertson, 112 U. S., 580; 5 Sup. Ct., 247; 28 L. Ed., 798; id., 18 Fed., 135.)

[U. S., 1892.]

3 It is an accepted maxim of international law that every sovereign nation has the power, as inherent in sovereignty, and essential to self-preservation, to forbid the entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe.—(Knox *v.* Lee (1870), 79 U. S. (12 Wall.), 457; 20 L. Ed., 287. Chae Chan Ping *v.* United States (1888), 130 U. S., 581, 9 Sup. Ct., 623; 32 L. Ed., 1068. Nishimura Ekiu *v.* United States (1891), 142 U. S., 651; 12 Sup. Ct., 336; 35 L. Ed., 1146. Fong Yue Ting *v.* United States, 149 U. S., 698; 13 Sup. Ct., 1016; 37 L. Ed., 905. Wong Quan *v.* Same, id. Lee Joe *v.* Same, id.)

[U. S., 1874.]

4 A state statute which prohibits Chinese immigrants arriving by vessel from landing until a bond is given by the master that they will not become a public charge is in violation of act May 31, 1870, declaring that—

> no tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country which is not equally imposed or enforced upon every person immigrating to such State from any foreign country, and any law of any State in conflict with this provision is hereby declared null and void.—(In re Ah Fong, Fed. cas. No. 102, 3 Sawy., 144.)

[U. S., 1883.]

5 Code of California, section 2955, insofar as it requires the payment of 70 cents for each passenger inspected to ascertain if he is afflicted with leprosy, coming into the United States by sea, and imposing a fine for nonpayment upon the owners and consignees of the vessel bringing the passengers, is unconstitutional and void.—(People *v.* Pacific Mail S. S. Co., 16 Fed., 344; 8 Sawy., 640.)

[U. S., 1886.]

6 Act of Congress February 26, 1885, prohibiting the importation of aliens under contract to perform labor within the United States,

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is within the power of Congress to regulate commerce with foreign nations, and constitutional.—(1886, United States *v.* Craig, 28 Fed., 795. 1890, In re Florio, 43 Fed., 114.)

[U. S., 1889.]

The owners of a Danish ship claimed that head money exacted for immigrants was illegally exacted and should be refunded. *Held*, that the exaction fell within the act of August 3, 1882, chapter 376 (22 Stat., 214), and that the court could not give weight to an argument that the "favored-nation" clause of the treaty with Denmark affected the case.—(Thingvalla *v.* United States, 24 Ct. Cl., 255.) 1

[U. S. C. C. A., Cal., 1904.]

The immigration laws of the United States in so far as relates to punishment for their violation are highly penal, and are to be strictly construed, and their provisions applied only to cases clearly within their terms and their spirit, construed as a whole.—(Moffit *v.* United States, 128 F., 375; 63 C. C. A., 117.) 2

[U. S. C. C. A., Cal., 1906.]

Chinese-exclusion act, May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St. 1901, p. 1319), in so far as it places the burden of proof of the right of a Chinese person without a certificate to remain in the United States on him, is valid.—(Low Foon Yin *v.* United States Immigration Comm'r, 145 F., 791; 76 C. C. A., 355.) 3

[U. S. Sup., Cal., 1902.]

Chinese-exclusion act, September 13, 1888, ch. 1015, sec. 8, 25 Stat., 478 (U. S. Comp. St., 1901, p. 1315), which relates entirely to the privilege of transit across the territory of the United States in the course of a journey by Chinese persons to or from other countries, was independent legislation, not dependent, like section 1, 25 Stat., 476 (U. S. Comp. St., 1901, p. 1312), on the ratification of the treaty then pending to become a law, and it became effective on its passage.—(C. C., 1901, In re Lee Gon Yung, 111 F., 998. Affirmed 22 Sup. Ct., 690; 185 U. S., 306; 46 L. Ed., 921.) 4

[U. S. C. C., N. Y., 1903.]

Act of Congress, March 3, 1903 (ch. 1012, 22 Stat., 1213), provides for the deportation of aliens and declares (sec. 4) that the inhibition against the importation of aliens to perform labor or service of any kind, skilled or unskilled, shall not apply to persons belonging to any recognized learned profession. *Held*, that aliens imported under contract who were expert accountants were not members of a recognized learned profession, within the terms of the exception, and were therefore not entitled to entry.—(In re Ellis, 124 F., 637. In re Charalambis, id.) 5

[U. S. D. C., Oreg., 1903.]

The authority conferred on the Secretary of the Treasury by the act of March 3, 1903, sec. 21, 32 Stat., 1218, ch. 1012 (U. S. 6

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Comp. St., 1901, p. 180), to cause the deportation of aliens found in the United States in violation of the act, does not extend to aliens who entered the country before its passage.—(In re Lea, 126 F., 234.)

[U. S. C. C. A., Ind.]

1 The acts of February 26, 1885, and March 3, 1891, are highly penal and must be so construed as to bring within their condemnation only those who are shown by direct and positive averments to be embraced within their terms. They are to be construed in the light of the evil to be remedied, and are limited to cases in which the assisted immigrant is brought into this country under a contract to perform manual labor or service.—(1897, United States *v.* Gay (C. C.), 80 F., 254. Judgment affirmed, 1899, 95 F., 226; 37 C. C. A., 46.)

[U. S. C. C. A., Ill., 1904.]

2 The provision of section 28 of the immigration act of March 3, 1903, 32 Stat., 1220, ch. 1012 (U. S. Comp. St. Supp., 1903, p. 183), that—

nothing contained in this act shall affect any prosecution or other proceeding, criminal or civil, begun under any existing act, or any acts hereby amended, but such prosecution and other proceedings, criminal or civil, shall proceed as if this act had not been passed—

is not limited in its application to prosecutions or proceedings which had been "begun" before the passage of the act, but applies to those thereafter begun under the old law, based on acts committed before its repeal or amendment.—(Lang *v.* United States, 133 F., 201; 66 C. C. A., 255.)

[U. S. Sup., Alaska, 1901.]

3 Section 3 of the act of May 5, 1892, requiring Chinese persons arrested under the act to establish by affirmative proof their right to remain in the United States is constitutional.—(1898, In re Li Sing, 86 F., 896; 30 C. C. A., 451. Affirmed Li Sing *v.* United States, 21 S. Ct., 449; 180 U. S., 486; 45 L. Ed., 634.)

[U. S. Sup., Alaska, 1901.]

4 Section 12 of the act of September 13, 1888, making the decisions of collectors of customs as to the right of Chinese persons to enter the United States final, in all cases, unless reversed on appeal to the Secretary of the Treasury, even if it ever went into effect, is no longer so since the act of August 18, 1894.—(1898, In re Li Sing, 86 F., 896; 30 C. C. A., 451. Affirmed Li Sing *v.* United States, 21 S. Ct., 449; 180 U. S., 486; 45 L. Ed., 634.)

[U. S. Sup., N. Y., 1902.]

5 No abrogation of the judicial procedure for deportation of Chinese laborers, provided for by act of May 6, 1882 (ch. 126, sec. 12, 22 Stat., 61), as amended by act of July 5, 1884, ch. 220, 23 Stat., 117 (U. S. Comp. St., 1901, p. 1310), and continued in force for ten years from and after the passage of act of May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), was affected by the treaty with China of

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December 8, 1894, because of its failure to prescribe any such procedure for deportation, or to continue in force any prior statute on that subject, as such provision is in harmony with and can be enforced without affecting or impairing any right secured by the treaty, and such enforcement will serve to advance the purpose of the two countries in respect to Chinese laborers, as avowed in such treaty.—(United States *v.* Lee Yen Tai, 22 S. Ct., 629; 185 U. S., 213; 46 L. Ed., 878.)

[U. S. Sup., N. Y., 1904.]

No repeal of the provisions of act of May 5, 1892, ch. 60, sec. 3, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), imposing on Chinese the burden of establishing their right to remain in the United States, was effected by act of April 29, 1902, ch. 641, sec. 1 (32 Stat., 176), continuing all laws then in force so far as not inconsistent with treaty obligations, on the theory that the former section was inconsistent with the treaty with China of December 8, 1894 (28 Stat., 1210), article 4, giving the Chinese the rights of citizens of the most favored nation, since the treaty itself, in article 5, expressly refers to the act of 1892, as amended by act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1322), and states that the Chinese Government will not object to the enforcement of those acts.—(Ah How *v.* United States, 24 S. Ct., 357; 193 U. S., 65; 48 L. Ed., 619. Chu Do *v.* Same, id. Lew Guey *v.* Same, id. Yung Lee *v.* Same, id.) 1

[U. S. Sup., N. Y., 1904.]

Likewise the provisions for Chinese registration made by act of May 5, 1892, ch. 60, sec. 6, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), as amended by act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1322), were not repealed by act of April 29, 1902, ch. 641, sec. 1, (32 Stat., 176).—(Ah How *v* United States, 24 S. Ct., 357; 193 U. S., 65; 48 L. Ed., 619. Chu Do *v.* Same, id. Lew Guey *v.* Same, id. Yung Lee *v.* Same, id.) 2

[U. S., 1892.]

Act of March 3, 1891, chapter 551, which provides for the exclusion from admission into the United States of certain classes of aliens, and that the decision by the inspectors of immigration adverse to the right of any alien to land shall be final and conclusive unless appeal is taken to the superintendent of immigration, whose action is subject to review by the Secretary of the Treasury, is a constitutional exercise of the power of Congress.—(Nishimura Ekiu *v.* United States, 142 U. S., 651; 12 Sup. Ct., 336; 35 L. Ed., 1146.) 3

[U. S., 1893.]

Act of May 5, 1892, requires in section 6 that all Chinese laborers entitled to remain in this country shall within one year from the date of the act obtain from the collector of internal revenue of the districts in which they reside, free of cost, a certificate of residence, which shall be in the nature of a passport, enabling them to go into all parts of the United States, and which shall be recorded in the office of the collector; and provides that Chinese laborers who neglect 4

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to obtain such certificates, or are found in the United States without them—

shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge.

The act makes it the duty of the judge to order that such laborer be deported from the United States—

unless he shall establish clearly, to the satisfaction of said judge, that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of the court, by at least one credible white witness, that he was a resident of the United States at the time of the passage of the act.

Held, That the proceeding here provided for is in no proper sense a trial and sentence for crime, nor is the order of deportation a banishment in the technical sense, but the whole proceeding is merely a method of enforcing the return to his own country of an alien who fails to comply with the conditions prescribed for his continued residence here: and the provisions of the Constitution requiring due process of law and trial by jury, and prohibiting unreasonable searches and seizures and cruel and unusual punishments, have no application.—(Fong Yue Ting *v.* United States, 149 U. S., 698; 13 Sup. Ct., 1016; 37 L. Ed., 905. Wong Quan *v.* Same, id. Lee Joe *v.* Same, id.)

[U. S., 1896.]

1 Act of May 5, 1892, section 4, providing that a Chinese person adjudged to be not lawfully entitled to remain in the United States shall be imprisoned at hard labor for a period not exceeding one year, and thereafter removed from the United States, in effect provides for such imprisonment upon the adjudication of a justice, judge, or commissioner upon a summary hearing, and conflicts with Constitution of the United States, amendments 5 and 6, declaring that no person shall be held to answer for a capital or otherwise infamous crime unless upon a presentment or indictment of a grand jury, and that the accused shall enjoy the right to a speedy and public trial by an impartial jury.—(Wong Wing *v.* United States, 163 U. S., 228; 16 Sup. Ct., 977; 41 L. Ed., 140.)

[U. S., 1892.]

2 The Geary Act (May 5, 1892) expressly provides that all prior acts regulating Chinese immigration are continued in force. *Held*, that the validity of such prior acts is not affected by the constitutionality or unconstitutionality of other provisions of the Geary Act.—(In re Ng Loy Hoe (C. C.), 53 Fed., 914.)

[U. S., 1893.]

3 The provision of said act throwing upon a Chinese person accused of being unlawfully in the United States the burden of proof is not in conflict with the Federal Constitution.—(In re Sing Lee (1893), 54 Fed., 334, approved. United States *v.* Wong Dep Ken (D. C.), 57 Fed., 206.)

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The deportation under said act of a Chinese person adjudged by a commissioner to be unlawfully in the United States is not a punishment for crime, within the meaning of the provisions of the Federal Constitution securing to persons accused of crime certain rights, including trial by jury.—(Fong Yue Ting *v.* United States (1893), 149 U. S., 698; 13 Sup. Ct., 1016; 37 L. Ed., 905, followed. United States *v.* Wong Dep Ken (D. C.), 67 Fed., 206.) 1

So much of section 4 of said act as provides for the imprisonment at hard labor of all Chinese persons adjudged by a commissioner to be unlawfully in the United States is void, under the Constitution, Article III, section 2, paragraph 3, and amendments 5 and 6, securing the right of trial by jury and other rights to persons criminally prosecuted by the United States.—(United States *v.* Wong Dep Ken (D. C.), 57 Fed., 206.) 2

[U. S., 1888.]

The provisions of Twenty-third Statutes, chapter 220, amending Twenty-second Statutes, chapter 126, relative to evidence of identity, are not retroactive.—(United States *v.* Jung Ah Lung, 124 U. S., 621; S. Sup. Ct., 663; 31 L. Ed., 591.) 3

[U. S., 1892.]

The act of Congress of September 13, 1888, entitled "An act to prohibit the coming of Chinese laborers to the United States," having been passed subject to the ratification of a treaty then pending between the United States and the Emperor of China, which was never ratified, is not in force, except section 13 thereof, providing for the arrest and deportation of any Chinese person found unlawfully in the United States; that particular provision not being within the purview of the act, as declared in section 1, declaring "it shall be unlawful for any Chinese person, whether a subject of China or any other power, to enter the United States except as hereinafter provided."—(United States *v.* Lee Hoy (1891), 48 Fed., 825, limited. United States *v.* Gee Lee, 50 Fed., 271; I. C. C. A., 516; 7 U. S. App., 183.) 4

[U. S., 1882.]

The object of the Chinese-exclusion act was to prevent further immigration of Chinese laborers, not to expel those already here.—(Case of the Chinese Cabin Waiter, 13 Fed., 286.) 5

Act of Congress, May 6, 1882, was not intended to interfere with the commercial relations between China and this country. Its purpose must be held to be what the treaty authorized—to put a restriction upon the immigration of laborers, including those skilled in any art or trade.—(Case of the Chinese Merchant, 13 Fed., 605.) 6

[U. S., 1883.]

The sections of the act of Congress of 1882 regulating the landing of Chinese in this country, and requiring the production of the certificate named in said act by Chinese seeking to land in this country, must be construed as referring to Chinese laborers who might leave the United States, and to Chinese persons who might leave China, 7

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after the law went into effect, and not to Chinese laborers who might leave this country before that period. The case of such laborers was not provided for, and was probably overlooked.—(In re Chin A On, 18 Fed., 506.)

[U. S., 1884.]

1 By the treaty of 1880, Chinese laborers then in the United States were accorded the privilege of coming and going at pleasure. The restriction act of 1882 extends this liberty to all who arrive before the expiration of ninety days after the passage of the act. This law also requires incoming Chinamen to produce custom-house certificates. The language of the act is ambiguous, and might be so construed as to require the certificate from those who left the country between the adoption of the treaty and the passage of the restriction act, but, as no provisions existed during that period for the issue of such certificates, this construction would be clearly repugnant to the treaty.—(In re Tung Yeong, 19 Fed., 184.)

2 The acts of 1882 and 1884 are not applicable to citizens of the United States, though of Chinese parentage. No citizen can be excluded from the United States except in punishment for crime.—(In re Look Tin Sing, 21 Fed., 905; 10 Sawy., 353.)

[U. S., 1891.]

3 Act of Congress, September 13, 1888, section 1, provides that—

from and after the date of the exchange of ratifications of the pending treaty between the United States and the Emperor of China, ——— it shall be unlawful for any Chinese person ——— to enter the United States, except as hereinafter provided.

Section 13 provides that any Chinese person convicted of being unlawfully in the United States, before a commissioner, may within ten days appeal to the judge of the district court. *Held*, that section 13 did not depend upon the ratification of the treaty, but became effective from the date of the approval of the act.—(United States *v.* Jim (B. C.) 47 Fed., 431; in re Mah Wong Gee, id., 433.)

[U. S., 1891.]

4 Act of Congress, September 13, 1888, amending the acts excluding Chinese laborers (22 Stat., 58, and 23 Stat., 115), provides in section 1, that after the date of the exchange of ratifications of the "pending treaty" between the United States and the Emperor of China it shall be unlawful for any "Chinese person" to enter the United States, "except as hereinafter provided;" and sections 2 and 4 except Chinese officials, teachers, students, merchants, and travelers for pleasure or curiosity. Sections 5, 6, and 7 provide that "on and after the passage of this act certain new conditions shall be imposed upon returning Chinese laborers," and restrict the classes of those who shall be entitled to return at all. Section 13 provides that any Chinese person convicted before a United States commissioner of being unlawfully in this country may appeal to the district court. *Held*, that, while the restrictions of sections 1, 2, and 4 were postponed until the treaty should be ratified, the other provisions went

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into effect immediately, and hence the right of appeal now exists, although ratifications have not been exchanged.—(United States *v.* Chong Sam (D. C.), 47 Fed., 878.)

[U. S., 1892.]

The provision of section 4 of the act of May 5, 1892, that all Chinese persons convicted of being unlawfully in the United States shall be imprisoned at hard labor for a period of not over a year, and thereafter removed from the country, does not, because of this "infamous punishment," render it necessary, under the Constitution, to proceed by indictment against all Chinese persons arrested under the act; for it is the evident intent of Congress that Chinese shall be removed by summary proceedings as heretofore, and to give effect to all the provisions of the act, it should be construed as requiring criminal prosecutions only in cases in which the Government is able to procure evidence to justify the same.—(United States *v.* Wong Sing (D. C.), 51 Fed., 79.) 1

The Chinese exclusion act of September 13, 1888, has a field of operation despite the nonratification of the proposed treaty of March 12, 1888, between the United States and China, and is now in force, excepting sections 2–4 and 15.—(United States *v.* Long Hop (D. C.), 55 Fed., 58.) 2

[U. S., 1893.]

As the Geary Act neither makes provision for actual deportation, nor requires the Chinaman to be imprisoned an indefinite time while awaiting it, the court will, in a proper case, order that he be deported whenever provision is made therefor by the proper authority, and that in the meantime he be discharged from custody.—(In re Ny Look (C. C.), 56 Fed., 81.) 3

Chinese laborers who came to this country after the making of the Chinese treaties of July 28, 1868, and November 17, 1880 (16 Stat., 740; 22 Stat., 826), acquired no right thereunder, or under the acts of Congress in relation to the Chinese, as denizens or otherwise, to remain in this country, except by the license, permission, and sufferance of Congress, to be withdrawn whenever, in its opinion, the public welfare might require it.—(Chae Chan Ping *v.* United States, (1889) 130 U. S., 581, 9 Sup. Ct., 623, 32 L. Ed., 1068, followed. Fong Yue Ting *v.* United States, 149 U. S., 698; 13 Sup. Ct., 1016; 37 L. Ed., 905. Wong Quan *v.* Same, id. Lee Joe *v.* Same, id.) 4

[U. S., 1882.]

Under the treaty with China, a Chinese resident of this country is entitled to all the rights, privileges, and immunities of subjects of the most favored nations with which this country has treaty relations; and, where he was a resident here before the passage of the act of Congress restricting immigration of Chinese, he has a right to remain and follow any of the lawful ordinary trades and pursuit of life, and his liberty so to do can not be restrained by invalid legislation.—(In re Quong Woo, 13 Fed., 229.) 5

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[U. S., 1890.]

1 By the treaty with China of November 17, 1880 (22 Stat., 13, art. 2), it is provided that—

> Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

Held, that the wife and children of a Chinese merchant, who is entitled to come into the country under this treaty, are entitled to come with him, without the certificate which act of Congress, July 5, 1884 (25 Stat., 504), requires of every Chinese person other than a laborer.—(In re Chung Toy Ho, 42 Fed., 398.)

[U. S., 1888.]

2 The provisions of Twenty-third Statutes, chapter 220, amending Twenty-second Statutes, chapter 126, relative to evidence of identity, are not retroactive.—(United States *v.* Jung Ah Lung, 124 U. S., 621; U. S. Sup. Ct., 663; 31 L. Ed., 591.)

[U. S., 1892.]

3 The act of Congress of September 13, 1888, entitled "An act to prohibit the coming of Chinese laborers to the United States," having been passed subject to the ratification of a treaty then pending between the United States and the Emperor of China, which was never ratified, is not in force, except section 13 thereof, providing for the arrest and deportation of any Chinese person found unlawfully in the United States; that particular provision not being within the purview of the act, as declared in section 1, declaring "it shall be unlawful for any Chinese person, whether a subject of China, or any other power, to enter the United States, except as hereinafter provided."—(United States *v.* Lee Hoy (1891), 48 Fed., 825, limited. United States *v.* Gee Lee, 50 Fed., 271; I. C. C. A., 516; 7 U. S., App., 183.)

[U. S., 1882.]

4 The object of the Chinese-exclusion act was to prevent further immigration of Chinese laborers, not to expel those already here.—(Case of the Chinese Cabin Waiter, 13 Fed., 286.)

5 Act of Congress, May 6, 1882, was not intended to interfere with the commercial relations between China and this country. Its purpose must be held to be what the treaty authorized—to put a restriction upon the immigration of laborers, including those skilled in any art or trade.—(Case of the Chinese Merchant, 13 Fed., 605.)

[U. S., 1883.]

6 The sections of the act of Congress of 1882, regulating the landing of Chinese in this country, and requiring the production of the certificate named in said act by Chinese seeking to land in this country, must be construed as referring to Chinese laborers who might leave

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the United States, and to Chinese persons who might leave China, after the law went into effect, and not to Chinese laborers who might leave this country before that period. The case of such laborers was not provided for, and was probably overlooked.—(In re Chin A On, 18 Fed., 506.)

[U. S., 1884.]

By the treaty of 1880, Chinese laborers then in the United States were accorded the privilege of coming and going at pleasure. The restriction act of 1882 extends the liberty to all who arrive before the expiration of ninety days after the passage of the act. This law also requires incoming Chinamen to produce custom-house certificates. The language of the act is ambiguous, and might be so construed as to require the certificate from those who left the country between the adoption of the treaty and the passage of the restriction act, but, as no provisions existed during that period for the issue of such certificates, this construction would be clearly repugnant to the treaty.—(In re Tung Yeong, 19 Fed., 184.) 1

The acts of 1882 and 1884 are not applicable to citizens of the United States, though of Chinese parentage. No citizen can be excluded from the United States except in punishment for crime.—(In re Look Tin Sing, 21 Fed., 905; 10 Sawy., 353.) 2

[U. S., 1891.]

Act of Congress September 13, 1888, section 1, provides that— 3

from and after the date of the exchange of ratifications of the pending treaty between the United States and the Emperor of China, * * * it shall be unlawful for any Chinese person * * * to enter the United States, except as hereinafter provided.

Section 13 provides that any Chinese person convicted of being unlawfully in the United States, before a commissioner, may within ten days appeal to the judge of the district court. *Held*, that section 13 did not depend upon the ratification of the treaty, but became effective from the date of the approval of the act.—(United States *v.* Jim (D. C.), 47 Fed., 431; in re Mah Wong Gee, id., 433.)

Act of Congress, September 13, 1888, amending the acts excluding Chinese laborers (22 Stat., 58, and 23 Stat., 115), provides in section 1, that after the date of the exchange of ratifications of the "pending treaty" between the United States and the Emperor of China it shall be unlawful for any "Chinese person" to enter the United States, "except as hereinafter provided"; and sections 2 and 4 except Chinese officials, teachers, students, merchants, and travelers for pleasure and curiosity. Sections 5, 6, and 7 provide that "on and after the passage of this act certain new conditions shall be imposed upon returning Chinese laborers," and restrict the classes of those who shall be entitled to return at all. Section 13 provides that any Chinese person convicted before a United States commissioner of being unlawfully in this country may appeal to the district court. *Held*, that, while the restrictions of sections 1, 2, and 4 were postponed until the treaty should be ratified, the other provisions went into effect immediately, and hence the right of appeal now exists, although ratifications have not been exchanged.—(United States *v.* Chong Sam (D. C.), 47 Fed., 878.) 4

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[U. S., 1892.]

1 The provision of section 4 of the act of May 5, 1892, that all Chinese persons convicted of being unlawfully in the United States shall be imprisoned at hard labor for a period of not over a year, and thereafter removed from the country, does not, because of this "infamous punishment" render it necessary, under the Constitution, to proceed by indictment against all Chinese persons arrested under the act; for it is the evident intent of Congress that Chinese shall be removed by summary proceedings as heretofore, and, to give effect to all the provisions of the act, it should be construed as requiring criminal prosecutions only in cases in which the Government is able to procure evidence to justify the same.—(United States *v.* Wong Sing (D. C.), 51 Fed., 79).

[U. S., 1893.]

2 The deportation under said act of a Chinese person adjudged by a commissioner to be unlawfully in the United States is not a punishment for crime, within the meaning of the provisions of the Federal Constitution securing to persons accused of crime certain rights, including trial by jury.—(Fong Yue Ting *v.* United States (1893), 149 U. S., 698; 13 Sup. Ct., 1016; 37 L. Ed., 905, followed. United States *v.* Wong Dep Ken (D. C.), 57 Fed., 206.)

3 So much of section 4 of said act as provides for the imprisonment at hard labor of all Chinese persons adjudged by a commissioner to be unlawfully in the United States is void, under the Constitution, Article III, section 2, paragraph 3, and amendments 5 and 6, securing the right of trial by jury and other rights to persons criminally prosecuted by the United States.—United States *v.* Wong Dep Ken (D. C.), 57 Fed., 206.)

[U. S., 1892.]

4 Act of March 3, 1891, chapter 551, which provides for the exclusion from admission into the United States of certain classes of aliens, and that the decision by the inspectors of immigration adverse to the right of any alien to land shall be final and conclusive unless appeal is taken to the superintendent of immigration, whose action is subject to review by the Secretary of the Treasury, is a constitutional exercise of the power of Congress.—(Nishimura Ekiu *v.* United States, 142 U. S., 651; 12 Sup. Ct., 336; 35 L. Ed., 1146.)

[U. S., 1893.]

5 Act of May 5, 1892, requires in section 6 that all Chinese laborers entitled to remain in this country shall within one year from the date of the act obtain from the collector of internal revenue of the districts in which they reside, free of cost, a certificate of residence, which shall be in the nature of a passport enabling them to go into all parts of the United States, and which shall be recorded in the office of the collector; and provides that Chinese laborers who neglect to obtain such certificates, or are found in the United States without them—

shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge.

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The act makes it the duty of the judge to order that such laborer be deported from the United States—

unless he shall establish clearly, to the satisfaction of said judge, that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate and to the satisfaction of the court, by at least one credible white witness, that he was a resident of the United States at the time of the passage of the act.

Held, that the proceeding here provided for is in no proper sense a trial and sentence for crime, nor is the order of deportation a banishment in the technical sense, but the whole proceeding is merely a method of enforcing the return to his own country of an alien who fails to comply with the conditions prescribed for his continued residence here; and the provisions of the Constitution requiring due process of law and trial by jury, and prohibiting unreasonable searches and seizures and cruel and unusual punishments, have no application.—(Fong Yue Ting *v.* United States, 149 U. S., 698; 13 Sup. Ct., 1016; 37 L. Ed., 905. Wong Quan *v.* Same, id. Lee Joe *v.* Same, id.)

[U. S., 1896.]

Act of May 5, 1892, section 4, providing that a Chinese person adjudged to be not lawfully entitled to remain in the United States shall be imprisoned at hard labor for a period not exceeding one year, and thereafter removed from the United States, in effect provides for such imprisonment upon the adjudication of a justice, judge, or commissioner upon a summary hearing, and conflicts with the Constitution of the United States, amendments 5 and 6, declaring that no person shall be held to answer for a capital or otherwise infamous crime unless upon a presentment or indictment of a grand jury, and that the accused shall enjoy the right to a speedy and public trial by an impartial jury.—(Wong Wing *v.* United States, 163 U. S., 228; 16 Sup. Ct., 977; 41 L. Ed., 140.) 1

[U. S., 1892.]

The Geary Act (May 5, 1892) expressly provides that all prior acts regulating Chinese immigration are continued in force. *Held*, that the validity of such prior acts is not affected by the constitutionality or unconstitutionality of other provisions of the Geary Act.—(In re Ng Loy Hoe (C. C.), 53 Fed., 914.) 2

[U. S., 1893.]

The provision of said act throwing upon a Chinese person accused of being unlawfully in the United States the burden of proof is not in conflict with the Federal Constitution.—(In re Sing Lee (1893), 54 Fed., 334, approved. United States *v.* Wong Dep Ken (D. C.), 57 Fed., 206.) 3

[U. S. Sup., Oreg., 1902.]

No abrogation of the provisions of the Chinese exclusion act of 1882 and the acts amendatory thereof (U. S. Comp. St. 1901, p. 1305), relative to the evidence which a member of the exempted class of the Chinese must produce to secure admission into the United 4

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States, was effected by the treaty of 1894 with China.—(Judgment, In re Lee Lung (D. C., 1900), 102 F., 132, affirmed. Lee Lung *v.* Patterson, 22 S. Ct., 795; 186 U. S., 168; 46 L. Ed., 1108.)

[U. S. C. C. A., Wash., 1903.]

1 Act of May 5, 1902, expressly containing in force all laws prohibiting and regulating the coming into the country of Chinese persons, did not create a new law or repeal any of the laws then in existence, but continued in force, without interruption, the Chinese-exclusion act of May 6, 1882 (22 Stat., 58, ch. 126), as amended by act of July 5, 1884 (23 Stat., 115, ch. 220; U. S. Comp. St., 1901, p. 1305), and extended for ten years by act of May 5, 1892 (27 Stat., 25, ch. 60; U. S. Comp. St., 1901, p. 1319).—(Sims *v.* United States, 121 F., 515; 58 C. C. A., 92.)

[U. S. D. C., Ga., 1904.]

2 Section 13 of the Chinese-exclusion act of September 13, 1888, ch. 1015, 25 Stat., 479 (U. S. Comp. St., 1901, p. 1317), which authorizes the arrest and deportation by order of a commissioner of persons charged with being Chinese persons unlawfully in this country, is constitutional.—(United States *v.* Foong King, 132 F., 107. Same *v.* Fah Chung, id.)

[Mont., 1874.]

3 Article 6 of our treaty with China of February 5, 1870 (16 Stat., 739), does not grant to Chinese immigrants any greater privileges than are guaranteed by the laws of Congress to other aliens.—(Territory *v.* Lee, 2 Mont. T., 124.)

[U. S. C. C. A., Cal., 1906.]

4 Chinese-exclusion act, May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), in so far as it places the burden of proof of the right of a Chinese person without a certificate to remain in the United States on him, is valid.—(Low Foon Yin *v.* United States Immigration Com'r, 145 F., 791.)

[U. S. Sup., Ohio, 1905.]

5 Chinese-exclusion act (act of Congress, Sept. 13, 1888, sec. 13. ch. 1015, 25 Stat., 479; U. S. Comp. St., 1901, p. 1317) providing that on the filing of an affidavit which charges that a person is a Chinese person, or a person of Chinese descent, and that he is unlawfully in the country, a warrant may issue for his arrest, and after hearing before a United States commissioner, and on appeal to a United States district judge, he may be deported, is unconstitutional, in that it authorizes the arrest and trial of persons who may not be Chinese persons, within the United States, without compliance with the protection guaranteed by the Federal Constitution.—(D. C., 1904, United States *v.* Coe, 128 F., 199, reversed. Same *v.* Jock Coe, 25 S. Ct., 794; 196 U. S., 635; 49 L. Ed., 629.)

[U. S. C. C. A., Ohio, 1906.]

6 The purpose and effect of the act of April 29, 1902, ch. 641, 32 Stat., 176, as amended by act of April 27, 1904, ch. 1630, sec. 5, 33

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Stat., 428 (U. S. Comp. St. Supp., 1905, p. 295), which provides that all laws in force on April 29, 1902, regulating, suspending, or prohibiting the coming of Chinese persons into the United States or their residence therein, "are hereby reenacted, extended, and continued without modification, limitation, or condition," was to continue all such laws in force after the expiration of the then existing treaty with China on December 8, 1894, including sections 5 to 14, inclusive, of act of September 13, 1888, ch. 1015, 25 Stat., 477–479 (U. S. Comp. St., 1901, pp. 1314–1317), which are therein expressly enumerated.—(Hong Wing *v.* United States, 142 F., 128; 73 C. C. A., 346.)

The provisions of the Chinese-exclusion act of May 5, 1892, for summary proceedings before a commissioner for the deportation of Chinese is not, by reason of its failure to allow a jury trial, open to the objection that it operates as a denial of due process of law; and such proceedings do constitute due process of law, inasmuch as they are those customarily employed in cases of similar character.—(In re Sing Lee; in re Ching Jo, 54 F. R., 334; Dist. Ct., Feb. 28, 1893.) 1

Deportation under the act of May 5, 1892, of a Chinese person adjudged by a commissioner to be unlawfully in the United States is not a punishment for crime within the meaning of the provisions of the Constitution.—(United States *v.* Wong Dep Ken, 57 F. R., 206; Dist. Ct., July 31, 1893.) 2

The act of November 3, 1893, extending the time for registration of Chinese laborers, is not ex post facto on the ground that it excepts from its provisions those who had been theretofore convicted of felony, as the deportation contemplated was only the consequence of a failure to register under the original registration act of May 5, 1892, and had no relation to the felony.—(United States *v.* Chew Cheong, 61 F. R., 200; Dist. Ct., Apr. 12, 1894.) 3

Section 13 of the act of September 13, 1888, is void, being violative of the provisions of the Federal Constitution for the protection of persons in the United States.—(United States *v.* Coe, 128 F. R., 199; Dist. Judge in Chambers, 1904; reversed.) 4

Where a Chinese female was sold as a slave in China and was illegally brought to the United States for purposes of prostitution by her master, from whom she subsequently escaped, and it appeared that a decree of deportation would be equivalent to remanding her to perpetual slavery and degradation, she was entitled to her discharge under the thirteenth amendment to the Federal Constitution, providing that neither slavery nor involuntary servitude, except as punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States.—(United States *v.* Ah Sou, 132 F. R., 878; Dist. Ct., July 13, 1904. Contra (reversing above), 138 F. R., 775; C. C. A., May 1, 1905.) 5

A proceeding for the deportation of a Chinese person under the exclusion act is civil and not criminal in character, and the constitutional provisions which safeguard the rights of persons accused of crime do not apply therein.—(United States *v.* Hung Chang, 134 F. R., 19; C. C. A., Dec. 1, 1904. Law Chin Woon *v.* U. S., 147 F. R., 227; C. C. A., June 19, 1906. U. S. *v.* Lee Huen, 118 F. R., 442; Dist. Ct., Oct. 6, 1902. Low Foon Yin *v.* U. S. Immigration Commissioner, 145 F. R., 791; C. C. A., May 14, 1906. In re Tsu Tse Mee, 81 6

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F. R., 562; Dist. Ct., May 10, 1897. In re Sing Lee, 54 F. R., 334; Dist. Ct., Feb. 28, 1893. *See also* Fong Yue Ting *v.* U. S., 149 U. S., 698, 730.)

1 The deportation under the act of May 5, 1892, of a Chinese person adjudged by a commissioner to be unlawfully in the United States, is not a punishment for crime within the meaning of the provisions of the Constitution securing to persons accused of crime certain rights, including trial by jury.—(U. S. *v.* Wong Dep Ken, 57 F. R., 206; Dist. Ct., July 31, 1893.)

2 The order of deportation may be made without a jury trial, as it is not a punishment for crime. And the fact that a plea of "not guilty" is entered does not change the character of the proceedings.—(In re Tsu Tse Mee, 81 F. R., 562; Dist. Ct., May 10, 1897.)

3 A proceeding for the deportation of a Chinese alien under the exclusion act is not criminal in its nature so as to entitle such alien to bail, as a person accused of crime, pending appeal from a commissioner's order of deportation; such proceeding is sui generis and the district judge has inherent power to admit the alien to bail pending the appeal.—(In re Ah Tai, 125 F. R., 795; Dist. Ct., Nov. 16, 1903.)

4 A proceeding to expel or exclude aliens under the federal law is civil and not criminal in nature.—(U. S. *v.* Moy You et al., 126 F. R., 226; Dist. Ct., Dec. 1, 1903.)

5 A proceeding for the expulsion of a Chinese person, in so far as his nationality is concerned, is to be regarded as a criminal proceeding.—(U. S. *v.* Hung Chang, 126 F. R., 400; Dist. Ct., Dec. 17, 1903. Revised.)

6 Proceedings for the deportation of Chinese persons are not "causes" within section 566, Revised Statutes, declaring that the trial of issues of fact in United States district courts in all cases, except in cases in equity, etc., shall be by jury.—(Toy Tong et al. *v.* U. S., 146 F. R., 343; C. C. A., June 18, 1906.)

7 The provision of the exclusion laws which places the burden of proof upon the Chinese alien of rebutting the presumption arising from his having no certificate of residence is within the acknowledged power of every legislature to prescribe the evidence which shall be received and the effect of that evidence in the courts of its own government.—(Fon Yue Ting *v.* U. S., 149 U. S., 698; Sup. Ct., May 15, 1893. Li Sing *v.* U. S., 180 U. S., 486; Sup. Ct., Mar. 18, 1901.)

8 The requirement of the Chinese-exclusion acts that residence within the United States at the time of the passage of the registration act shall not be proved solely by Chinese testimony but that at least one white witness thereto shall be produced is constitutional.—(Fong Yue Ting *v.* U. S., 149 U. S., 698; Sup. Ct., May 15, 1893. Li Sing *v.* U. S., 180 U. S., 486; Sup. Ct., Mar. 18, 1901.)

9 Section 3 of the act of May 5, 1892, placing the burden of proof upon a Chinese person or persons of Chinese descent to establish his right to remain in the United States is within the power of Congress and valid.—(In re Sing Lee, 54 F. R., 334; Dist. Ct., Feb. 28, 1893. U. S. *v.* Wong Dep Ken, 57 F. R., 206; Dist. Ct., July 31, 1893. In re Li Sing, 86 F. R., 896; C. C. A., Apr. 7, 1898. U. S. *v.* Chun Hoy, 111 F. R., 892; C. C. A., Oct. 7, 1901. Low Foon Yin *v.* U. S. Immigration Commissioner, 145 F. R., 791; C. C. A., May 14, 1906.)

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The facts constituting a defense in the case of a Chinese person arrested as an unlawful resident are peculiarly within the knowledge of the defendant, and the burden is naturally upon him, irrespective of the direct requirement of the statute, which therefore violates no common-law rule of evidence.—(In re Sing Lee, 54 F. R., 334; Dist. Ct., Feb. 28, 1893.) 1

Unless it appears affirmatively that a Chinese person arrested upon a charge of unlawful residence is entitled to remain in the United States, it is the duty of the court to order deportation.—(United States *v.* Chun Hoy, 111 F. R., 899; C. C. A., Oct. 7, 1901.) 2

As proceedings for the deportation of a Chinese person are civil and not criminal, if the defendant fails to give testimony in his own behalf to explain matters peculiarly within his own knowledge or to contradict testimony given against him, that fact may be considered where the testimony is contradictory.—(United States *v.* Lee Huen, 118 F. R., 442; Dist. Ct., Oct. 6, 1902.) 3

As proceedings for the deportation of a Chinese person under the exclusion acts are civil and not criminal, admissions of a defendant voluntarily made to the officer by whom he is arrested in answer to questions put to him either before or after arrest are admissible against him.—(United States *v.* Hung Chang, 134 F. R., 19; C. C. A., Dec. 1, 1904.) 4

As proceedings for the deportation of a Chinese person are civil and not criminal, the defendant may be sworn and examined as a witness.—(United States *v.* Hung Chang, 134 F. R., 19; C. C. A., Dec. 1, 1904.) And Government can swear such Chinese person as witness against himself.—(Law Chin Woon *v.* United States, 147 F. R., 227; C. C. A., June 19, 1906. Low Foon Yin *v.* U. S. Immigration Commissioner, 145 F. R., 791; C. C. A., May 14, 1906.) 5

All the provisions of the act of September 13, 1888, except sections 1, 2, and 4 thereof, became valid on passage, although the then pending treaty was not ratified.—(United States *v.* Chong Sam, 47 F. R., 878; Dist. Ct., Nov., 1891.) 6

All of act of September 13, 1888, except sections 2, 3, 4, and 15 thereof, is valid, although the then pending treaty with China was not ratified.—(United States *v.* Long Hop, 55 F. R., 58; Dist. Ct., Feb. 8, 1892.) 7

Held, that section 13 of the act approved September 13, 1888, providing that any Chinese person convicted of being unlawfully in the United States, before a commissioner, may within ten days appeal to the judge of the district court, did not depend upon the ratification of the then pending treaty with China, but became effective from the date of the approval of the act.—(United States *v.* Jim, 47 F. R., 431; Dist. Ct., Aug. 29, 1891. In re Mah Wong Gee et al., 47 F. R., 433; Dist. Ct., Sept. 7, 1891.) 8

The right of appeal to a district court, given by act of September 13, 1888, section 13, to a Chinese person adjudged by a United States commissioner to be unlawfully in the United States, is not taken away by the act of May 5, 1892, section 3.—(United States *v.* Wong Dep Ken, 57 F. R., 203; Dist. Ct., June 30, 1893.) 9

The act of April 29, 1902; continuing all Chinese-exculsion laws then in force, "so far as the same are not inconsistent with treaty obligations," does not repeal section 3 of the act of May 5, 1892, put- 10

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ting the burden of proving their right to remain in this country on Chinese persons arrested under the act; nor does it repeal section 6 of the said act as amended by the act of November 3, 1893, requiring Chinese laborers who are entitled to remain in the United States to obtain a certificate of residence.—(Ah How *v.* United States, 193 U. S., 65; Sup. Ct., Feb. 23, 1904.)

1 Section 13 of the act of September 13, 1888, providing for the arrest and deportation of Chinese persons found unlawfully in the United States, was reenacted and continued in force by the act of April 29, 1902.—(Hong Wing *v.* United States., 142 F. R., 128; C. C. A., Jan. 10, 1906.)

[U. S. C. C., N. Y., 1908.]

2 An "entry" or "entrance" of a Chinese person into the United States within the Chinese exclusion acts, means more than the mere act of crossing the border, and consists in his going at large or becoming domiciled in the country.—(Ex parte Chow Chok, 161 F., 627.)

3 Rules of the Department of Commerce and Labor respecting the exclusion of Chinese persons have the force and effect of law when not inconsistent with it or with the Constitution or the treaty with China.—(Ex parte Chow Chok, 161 F., 627.)

[U. S. C. C., Ohio, 1906.]

4 The purpose and effect of the act of April 29, 1902, ch. 641, 32 Stat., 176, as amended by the act of April 27, 1904, ch. 1630, sec. 5, 33 Stat., 428 (U. S. Comp. St. Supp., 1905, p. 295), which provides that all laws in force on April 29, 1902, regulating, suspending, or prohibiting the coming of Chinese persons into the United States or their residence therein "are hereby reenacted, extended, and continued without modification, limitation, or condition" was to continue all such laws in force after the expiration of the then existing treaty with China on December 8, 1894, including sections 5 to 14, inclusive, of act of September 13, 1888, ch. 1015, 25 Stat., 477–479 (U. S. Comp. St., 1901, pp. 1314–1317), which are therein expressly enumerated.—(Hong Wing *v.* United States, 142 F., 128; 73 C. C. A., 346.)

[U. S. D. C., N. J., 1909.]

5 Sections 2 and 3 of the Chinese exclusion act of May 6, 1882, ch. 126, 22 Stat., 59, as amended in 1884, act of July 5, 1884, ch. 220, 23 Stat., 115 (U. S. Comp. St., 1901, p. 1306), making it a misdemeanor for the master of any vessel to knowingly bring within the United States on such vessel and land or attempt to land any Chinese laborer, etc., were repealed by implication by sections 9 and 10 of the act of September 13, 1888, ch. 1015, 25 Stat., 478 (U. S. Comp. St., 1901, p. 1316), which cover the same offense but provide a different punishment.—(United States *v.* Wood, 168 F., 438.)

[U. S. C. C. A., N. Y., 1908.]

6 An "entry" or "entrance" of a Chinese person into the United States within the Chinese exclusion acts means more than the mere

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act of crossing the border, and consists in his going at large or becoming domiciled in the country. Order (C. C.) Ex parte Chow Chok (161 F., 627), affirmed.—(Chow Chok *v.* United States, 163 F., 1021.)

Rules of the Department of Commerce and Labor respecting the exclusions of Chinese persons have the force and effect of law when not inconsistent with it or with the Constitution or the treaty with China. Order (C. C.) Ex parte Chow Chok (161 F., 627), affirmed.—(Chow Chok *v.* United States, 163 F., 1021.) 1

[U. S., 1889.]

The board of commissioners of emigration, who by act of Congress, August 3, 1882, are required to examine into the condition of immigrants, can not delegate to a committee the power to determine whether such immigrants should be permitted to land.—(In re Murnane, 39 Fed., 99.) 2

[U. S., 1891.]

The regulation of the Secretary of the Treasury declares that the superintendent of immigration at the port of New York shall examine into the condition of passengers arriving at that port, and report to the collector whether any person is within the prohibition of the act of Congress, February 26, 1885. Act of Congress, February 23, 1887, amending the act of 1885, provides that if, on such examination by the superintendent, any person shall be found within the prohibition of the act, and the same is reported to the collector, such person shall not be permitted to land. *Held*, that such power of determination is vested in the superintendent of immigration, and not in the collector.—(In re Bucciarello, 45 Fed., 463.) 3

[U. S., 1892.]

Under authority from the Secretary of the Treasury, granted by either general regulations or special instructions in individual cases, pursuant to act of October 19, 1888, the superintendent or inspector of immigration may, at any time within one year after his landing, take into custody, and return to the country from which he came, an alien emigrant arrived in violation of law, even though he may have been previously passed, and allowed to land.—(In re Lifieri (D. C.), 52 Fed., 293.) 4

[U. S. D. C., Pa., 1906.]

Where the question of citizenship was not passed upon by the Commissioner of Immigration, nor certified to the Secretary of Commerce and Labor, nor passed upon by him, no question of finality arises.—(United States *v.* Rodgers, 144 F., 711.) 5

[U. S. C. C. A., Cal., 1905.]

Act of March 3, 1903, ch. 1012, sec. 1, 32 Stat., 1213 (U. S. Comp. St. Supp., 1905, p. 274), which imposes a head tax on alien passengers entering the United States, to be paid by the master or owner of the vessel, provides that such tax "shall not be levied upon aliens in 6

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transit through the United States." It also (sec. 22) authorizes the Commissioner General of Immigration, under the direction of the Secretary of the Treasury, to establish "such rules and regulations, * * * not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss." *Held*, that a regulation requiring the master or owner of a vessel bringing an alien to a port of the United States, for the professed purposes of proceeding directly therefrom to foreign territory, to deposit the amount of the head tax with the collector before such alien shall be permitted to land, the same to be refunded on proof satisfactory to the immigration officer in charge of said port that such alien has passed by direct and continuous journey through and out of the United States, was not an amendment or addition to the statute, but was a reasonable and lawful regulation for the purpose of protecting the United States from fraud and loss, and within the power conferred on the commissioner.—(Stratton *v.* Oceanic S. S. Co., 140 F., 829; 72 C. C. A., 241.)

[U. S., 1892.]

1 Inspectors of immigration, under act of March 3, 1891, chapter 551, are to be appointed by the Secretary of the Treasury, and not by the Superintendent of Immigration.—(Nishimura Ekiu *v.* United States, 142 U. S., 651; 12 Sup. Ct., 336; 35 L. Ed., 1146.)

2 The provision that inspectors of immigration and their assistants "shall have power to administer oaths and to take and consider testimony touching the rights of" aliens to enter the United States, "all of which shall be entered of record," does not require inspectors to take such testimony. They may decide the question of the right to land upon their own inspection and examination.—(Nishimura Ekiu *v.* United States, 142 U. S., 651; 12 Sup. Ct., 336; 35 L. Ed., 1146.)

[Cal., 1884.]

3 By code, section 2955, the immigration commissioner was to collect a fee for every person examined by him, "which sum, except $4,000 a year and expenses of office, shall, when required for such purpose, be paid by the commissioner into the state treasury, to be used in the maintenance, when necessary, of lepers' quarters." By act of March 15, 1883, the commissioner was required to pay into the treasury "all per capita fees collected by him and moneys derived from fines, penalties, and forfeitures," and the comptroller is directed to audit the salary and office expenses of the commissioner, and to draw his warrants for the same on the fund composed of the per capita fees, fines, etc., "provided that no such account for salary and office expense shall be audited in excess of the amount of leprosy funds on hand." *Held*, that a commissioner appointed after the act of 1883 could only be paid his salary and expenses out of the moneys paid into the treasury after the passage of that act.—(Forrester *v.* Dunn, 65 Cal., 562; 4 Pac., 574.)

[Cal., 1886.]

4 Political Code of California, section 2969, providing that the state comptroller shall audit the salary and office expenses of the immigra-

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tion commissioner, to be paid out of the fund collected by said commissioner, applies to moneys collected before its passage, and sums not paid to deputies are not allowable thereunder as items of office expenses in the account of such moneys.—(People *v.* Bunker, 70 Cal., 212; 11 Pac., 703.)

[Cal., 1888.]

Said section 2955 requires the commissioner to pay into the treasury all the fees collected, less $4,000 and office expenses, which the State should use for the maintenance of lepers' quarters, when required for that purpose.—(People *v.* Van Ness, 76 Cal., 121; 18 Pac., 139.) 1

[U. S. C. C. A., Cal., 1905.]

Act of March 3, 1903, ch. 1012, sec. 1, 32 Stat., 1213 (U. S. Comp. St. Supp., 1905, p. 274), which imposes a head tax on alien passengers entering the United States, to be paid by the master or owner of the vessel, provides that such tax "shall not be levied upon aliens in transit through the United States." It also (sec. 22) authorizes the Commissioner-General of Immigration, under the direction of the Secretary of the Treasury, to establish "such rules and regulations, * * * not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act, and for protecting the United States and aliens migrating thereto from fraud and loss." *Held*, that a regulation requiring the master or owner of a vessel bringing an alien to a port of the United States, for the professed purpose of proceeding directly therefrom to foreign territory, to deposit the amount of the head tax with the collector before such alien shall be permitted to land, the same to be refunded on proof satisfactory to the immigration officer in charge of said port that such alien has passed by direct and continuous journey through and out of the United States, was not an amendment, or addition to the statute, but was a reasonable and lawful regulation for the purpose of protecting the United States from fraud and loss, and within the power conferred on the commissioner.—(Stratton *v.* Oceanic S. S. Co., 140 F. 829; 72 C. C. A., 241.) 2

[Cal., 1874.]

Section 70 of the amendments to the political code makes it the duty of the commissioner of immigration to satisfy himself whether passengers from a foreign country, arriving on a vessel in San Francisco, are included in one of the classes specified in the section, and to prevent those that are included in one of the classes from landing, unless the master, owner, or consignee shall give the bond mentioned.—(Ex parte Ah Fook, 49 Cal., 403.) 3

[Cal., 1886.]

The commissioner of immigration of the State of California, having assumed to act under a statute, and collected moneys according to the letter of it, can not, in an action against him to recover such moneys received by him, be heard to say that the statute is invalid.—(People *v.* Bunker, 70 Cal., 212; 11 Pac. 703.) 4

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1 The fact that the party from whom the money was collected has instituted suit to recover it back does not excuse the commissioner from handing it over to the treasurer, as required by law.—(People *v.* Bunker, 70 Cal., 212; 11 Pac., 703.)

[N. Y., 1856.]

2 Emigrants are landed at Castle Garden, while their baggage is left, by order of the commissioners of emigration, in the barges. The commissioners do not thus become responsible for a loss of baggage.—(Semler *v.* Commissioners of Emigration, 1 Hilt, 244.)

[N. Y., 1863.]

3 The commissioners of emigration, by licensing officers of steamboats to receive and land passengers and their baggage, and other persons to solicit the patronage of emigrants, do not render themselves liable for the misconduct of the persons licensed.—(Murphy *v.* Commissioners of Emigration, 28 N. Y., 134.)

[N. Y., 1857.]

4 Under act of May 5, 1847, declaring it to be the duty of commissioners of emigration to provide for the support of persons for whom commutation money shall have been paid or bonds shall have been taken, and who would otherwise become a public charge, the commissioners are liable for temporary relief as well as for permanent support furnished by towns, cities, and counties to pauper emigration.—(People *v.* Commissioners of Emigration, 15 How. Prac., 177.)

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EVIDENCE.

Uncontradicted evidence of interested witnesses to an improbable fact does not require judgment to be rendered accordingly. 1

Undoubtedly, as a general rule, positive testimony as to a particular fact, uncontradicted by anyone, should control the decision of the court; but that rule admits of many exceptions. There may be such an inherent improbability in the statements of a witness as to induce the court or jury to disregard his evidence, even in the absence of any direct conflicting testimony. He may be contradicted by the facts he states as completely as by direct adverse testimony; and there may be so many omissions in his account of particular transactions, or of his own conduct, as to discredit his whole story. His manner, too, of testifying may give rise to doubts of his sincerity, and create the impression that he is giving a wrong coloring to material facts. All these things may properly be considered in determining the weight which should be given to his statement, although there be no adverse verbal testimony adduced.—(Quock Ting *v.* United States, 140 U. S., 417; Sup. Ct., May 11, 1891.)

The requirement of the Chinese-exclusion acts not allowing the fact of residence in the United States at the time of the passage of the registration act to be proved solely by Chinese testimony, but requiring the testimony of a white witness, is constitutional.—(Fong Yue Ting *v.* U. S., 149 U. S., 698; Sup. Ct., May 15, 1893. Li Sing *v.* U. S., 180 U. S., 486; Sup. Ct., Mar. 18, 1901.) 2

The decision of the administrative officer at the port of entry, admitting a Chinese person upon a certificate furnished him by a consular officer of the Chinese Empire located in the United States, stating the holder's right to reenter after temporary absence as a wholesale grocer, was not final as to the right of such person to remain in the United States, he being a laborer, under the act of August 18, 1894.—(Li Sing *v.* U. S., 180 U. S., 486; Sup. Ct., Mar. 18, 1901.) 3

When a Chinese laborer has evaded the executive jurisdiction on the frontier and gained access to the country he should not be considered entitled to demand repeated rehearings on the facts.—(Chin Bak Kan *v.* U. S., 186 U. S., 193; Sup. Ct., June 2, 1902.) 4

In a proceeding for the deportation of a Chinese person the certificate of a United States commissioner that defendant has been adjudged by said commissioner to be lawfully in the United States is inadmissible as evidence of his present status, not being a certified copy of such adjudication, but a mere recital that such judgment has been rendered.—(Lew Guey *v.* U. S., 193 U. S., 65; Sup. Ct., Feb. 23, 1904. U. S. *v.* Lew Poy Dew, 119 F. R., 786; Dist. Ct., Feb. 23, 1904.) 5

Upon appeal, the record of the commissioner before whom the Chinese defendants were originally tried showing that "the proofs furnished in this case are sufficient to show that these three persons were engaged in business rather than in manual labor in 1894," it was error for the district court to affirm the commissioner's order of deportation of the Chinese persons who had been found engaged as 6

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laborers in the United States without laborers' certificates of residence.—(Tom Hong *v.* U. S., 193 U. S., 517; Sup. Ct., Mar. 21, 1904.)

1 When, in deportation proceedings, the Chinese defendants claimed they were merchants during the registration period, the fact that the Government has allowed many years to elapse before instituting proceedings will excuse the failure of the defendants to produce books of accounts and articles of partnership as evidence of their claimed status.—(Ibid.)

2 Where a Chinese person is found in the United States and is arrested, but not on view of his entry into this country, he can not be removed unless there is evidence showing that he is unlawfully in this country.—(In re Mah Wong Gee et al., 47 F. R., 433; Dist. Ct., Sept. 7, 1891.)

3 In proceedings for the deportation of a Chinese person, evidence of the contents of a ship list of Chinese passengers is inadmissible unless the list is shown to be authoritative and a certified copy produced containing the name of the defendant as a passenger.—(United States *v.* Long Hop, 55 F. R., 58; Dist. Ct., Feb. 8, 1892.)

4 Under section 6 of the exclusion act of May 5, 1892, a Chinese person arrested for failure to register must be deported if he has no certificate, unless he can show one of the excuses for failure to procure the certificate enumerated in said section, and notwithstanding the fact that he does show a residence in the United States for the period required thereby.—(In re Ny Look, 56 F. R., 81; Cir. Ct., May 26, 1893.)

5 A stipulation in proceeding for the deportation of a Chinese person that "up to the 1st of August, 1893, the defendant was a merchant," does not by implication admit that he was such after that date.—(United States *v.* Wong Hong, 71 F. R., 283; Dist. Ct., Dec. 2, 1895.)

6 A Chinese person who is shown by uncontradicted evidence to be entitled to remain in the United States can not be deported because of his refusal to be sworn to testify at the request of the prosecution.—(Ex parte Sing, 82 F. R., 22; Cir. Ct., July 12, 1897.)

7 The provision of the act of May 5, 1892, section 6, as amended by act of November 3, 1893, that any Chinese laborer found within the jurisdiction of the United States without the certificate of residence required by that act shall be ordered deported unless he shall establish that by reason of accident, sickness, or other unavoidable cause he was unable to procure his certificate, and, by at least one credible witness other than Chinese, that he was a resident of the United States on May 5, 1892, leaves no room for construction and gives the judge before whom such person is brought no discretion to accept any other testimony concerning his residence than that prescribed.—(U. S. *v.* Williams, 83 F. R., 997; Dist. Ct., Dec. 8, 1897.)

8 The power of Congress to prescribe rules of evidence in proceedings for the deportation of Chinese aliens is included within its general authority to exclude aliens or to prescribe the conditions upon which they may remain in the United States.—(United States *v.* Williams, 83 F R., 997; Dist. Ct., Dec. 8, 1897.)

9 Where, in a deportation proceeding, the defendant presents a certificate of identity as a "merchant" of China, which certificate is in due form, it appears that upon his arrival he immediately proceeds to and continues in the employment of a laborer, such fact has a

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strong retroactive bearing as evidence of the intent with which such Chinaman came to this country, for he may enter under the certificate only for the purpose of prosecuting his business as a merchant.—(United States *v.* Yong Yew, 83 F. R., 832; Dist. Ct., Nov. 23, 1897.)

It is as much a violation of the Chinese exclusion acts for a laborer who by any trick or evasion secures an entry to our ports to remain in the United States as it would have been to originally land on our shores.—(U. S. *v.* Yong Yew, 83 F. R., 832; Dist. Ct., Nov. 23, 1897.) 1

While, in all cases of Chinese entering the United States, and in the case of laborers residing within the country when the acts requiring registration were passed, the official certificate is indispensable and constitutes the sole evidence of the right to enter or remain, in all other cases the status of the Chinese person at the time of arrest and trial may be shown by any affirmative proof satisfactory to the judge, justice, or commissioner before whom he is tried.—(United States *v.* Chu Chee et al., 85 F. R., 312; Dist. Ct., May 6, 1898.) 2

A Chinese person who entered the United States without the certificate prescribed by section 6 of the act of July 5, 1884, can not, when arrested under the act of May 5, 1892, establish a right to remain here by proof that since his arrival his occupation has been solely that of a member of the privileged classes.—(United States *v.* Chu Chee et al., 93 F. R., 797; C. C. A., Mar. 6, 1899.) 3

In proceedings for the deportation of a Chinese person where the issue is the citizenship of such person, his private letters procured by officers who opened the envelopes in violation of the fourth and fifth amendments to the Constitution, providing against unreasonable seizures, can not be used by the Government against the defendant.—(United States *v.* Wong Quong Wong, 94 F. R., 832. United States *v.* Wong Chin Shuen, Dist. Ct., June 1, 1899.) 4

The action of a government official in allowing a Chinese person to land in the United States without presenting the certificate required by section 6 of the act of July 5, 1884, is not even prima facie evidence that such person is lawfully resident in this country.—(Mar Bing Guey *v.* United States, 97 F. R., 576; Dist. Ct., Nov. 1, 1899.) 5

The requirements that the mercantile character of a Chinese person who is seeking to reenter the United States after temporary absence must be shown by two witnesses other than Chinese is a special rule of evidence and does not apply to other issues arising in the cases of Chinese persons, such as a claim of American nativity, which other issues are to be determined by the ordinary rules of evidence.—(United States *v.* Lee Seick, 100 F. R., 398; C. C. A., Feb. 5, 1900.) 6

In proceedings for the deportation of a Chinese person charged with having unlawfully entered the United States, it is error to admit any evidence of the right of the defendant to enter except the certificate issued by the Chinese Government, which is made by section 6 of the act of July 5, 1884, the sole evidence of such right.—(United States *v.* Pin Kwan, 100 F. R., 609; C. C. A., Feb. 28, 1900.) 7

If it is found that a Chinese person under arrest for deportation is in possession of a certificate of residence, it is error to hold that he is deportable on the mere ground that the certificate was procured by fraud, it not appearing that the defendant had since the issuance of the certificate forfeited his right to remain in the United States by 8

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departing without procuring a return certificate.—(In re See Ho How, 101 F. R., 115; Dist. Ct., Apr. 12, 1900.)

1 Where a Chinese person is shown to have been a member of a firm of merchants in this country for seven years, with $1,000 invested as his share of the capital, the fact that he has lately visited China and returned, nothing being shown as to the manner of his reentry, does not warrant his arrest and deportation.—(United States *v.* Wong Lung, 103 F. R., 794; Dist. Ct., May 4, 1900.)

2 When a Chinaman arrested for deportation on the ground of unlawful residence claims to be a merchant, he must affirmatively show a fixed place of business and such frequent sales of merchandise as entitles him to be considered a merchant within the ordinary meaning of the term, or an actual and substantial interest in some firm of such merchants.—(United States *v.* Lung Hong, 105 F. R., 188; Dist. Ct., May 5, 1900.)

3 It is not reversible error for a court to refuse to permit a party to introduce evidence of the general good character of his own witnesses, who are Chinese persons, where there has been no attempt to impeach their character.—(Woey Ho *v.* United States, 109 F. R., 888; C. C. A., May 13, 1901.)

4 The question of credibility of witnesses must ordinarily rest with the trial court, which is necessarily invested with a large discretion in that matter; and the fact that a court in a habeas corpus proceeding for the discharge of a Chinese person held for deportation refuses to accept and act upon the testimony of Chinese witnesses, though uncontradicted and though the witnesses are not impeached, is not in itself ground for reversal.—(Ibid.)

5 The fact that during the six months succeeding the passage of the act of November 3, 1893, Chinese persons were merchants and therefore not required to register, would not be conclusive evidence of their present right to remain in the United States, when it appeared that they afterwards left the country, disposing of whatever business that they had possessed during the said six months, and then returned and engaged in the occupation of laborer.—(United States *v.* Moy Yim, 115 F. R., 652; Dist. Ct., Apr. 29, 1902.)

6 Where, in proceedings for the deportation of a Chinese woman, she testified and presented other evidence to prove that she was born in the United States, the judgment of the commissioner should not be set aside although such evidence was practically uncontradicted, there being circumstances which tended to impeach her testimony, and inconsistencies in the evidence which might well cause its truth to be doubted.—(Lee Ah Yin *v.* United States, 116 F. R., 614; C. C. A., May 19, 1902.)

7 Upon the issue as to the citizenship of a person of Chinese descent, evidence from a male person, not the father, that the defendant was born at a certain time and place in the United States, unaccompanied by any details as to how or why the witness knows such fact, is not conclusive on the commissioner or court.—(United States *v.* Lee Huen, 118 F. R., 442; Dist. Ct., Oct. 6, 1902.)

8 The credibility of a witness may be affected by circumstances or by his own testimony, as well as by contradictory evidence; and the improbability of his statements, or his apparent lack of memory, accuracy, or intelligence, as well as his apparent lack of truthful-

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ness, may justify a refusal to accept his testimony as satisfactory, even though uncontradicted.—(Ibid.)

The mere fact that a witness for the defendant in a proceeding for deportation is himself a Chinese person does not render him an interested witness, within the rule which permits interest to be considered as a discrediting circumstance.—(Ibid.) 1

If in proceedings for the deportation of Chinese aliens under the exclusion act the defendants fail to give testimony in their own behalf to explain doubtful matters peculiarly within their own knowledge or to contradict testimony given against them, such failure may be considered where the testimony is contradictory.—(Ibid.) 2

In proceedings under the Chinese-exclusion act, the testimony of Chinese witnesses, unknown and coming from a distance—especially that of foreigners—may be regarded as more or less weak; and, when contradicted or really discredited in any of the modes recognized by our law, the commissioner is justified in regarding it as insufficient, standing alone, to convince the judicial mind, where he acts from a fair conviction that the case is not made out; and in such case the appellate court is not warranted in reversing his finding.—(United States *v.* Lee Huen, 118 F. R., 442; Dist. Ct., Oct. 6, 1902.) 3

The provision of section 3 of the Chinese-exclusion act of May 5, 1892, which places the burden on a Chinese person or person of Chinese descent arrested thereunder to "establish by affirmative proof, to the satisfaction of the justice, judge, or commissioner, his lawful right to remain in the United States," requires him to produce credible evidence sufficient to satisfy the judgment of a reasonable man, considering the same fairly and impartially. A commissioner may not, arbitrarily, capriciously, or against reasonable, unimpeached, and credible evidence, which is uncontradicted in its material points, and susceptible of but one fair construction, refuse to be satisfied; but, on the other hand, he is not bound to be satisfied by the testimony of a single witness as to facts which, if the testimony is true, must necessarily be known to other obtainable witnesses who are not produced.—(Ibid.) 4

Whether a person arrested for violating the exclusion act is a Chinese person should be proved by experts competent to testify as to the accused's racial characteristics.—(United States *v.* Hung Chang, 126 F. R., 400; Dist. Ct., Dec. 17, 1903. Reversed, 134 Fed., 19.) 5

Mere expressions of opinion by a Chinese person as to his nationality are inadmissible to establish such nationality; and a Chinese person can not be compelled to testify as to his nationality.—(Ibid. Reversed, 134 Fed., 19.) 6

It was error to expel Chinese persons because they refused to testify in their own behalf, when they had produced a witness who gave testimony, not contradicted, impeached, or discredited in any manner, that said persons were born in the State of California.—(United States *v.* Leung Shue et al., 126 F. R., 423; Dist. Ct., Dec. 18, 1903.) 7

In proceedings for the deportation of a Chinese person the fact that the defendant was engaged as a merchant in the United States at the time of the passage of the registration act of May 5, 1892, may 8

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be established by Chinese witnesses.—(United States *v.* Louie Juen, 128 F. R., 522; Dist. Ct., Mar. 11, 1904.)

1 In proceedings for the deportation of a Chinese person the fact that he was permitted to live in the United States for nineteen years without molestation was insufficient to raise a presumption that his arrival antedated the date on which the exclusion act of May 6, 1882, as amended by the act of July 5, 1884, went into effect, he never having registered as a laborer or merchant, as required by law.—(United States *v.* Ah Chung, 130 F. R., 885; C. C. A., May 2, 1904.)

2 In the case of a Chinese person who entered the United States upon a certificate granted in accordance with section 6 of the act of July 5, 1884, showing him to belong to the exempt classes, evidence showing that from the time of his entry, several years before his arrest, he has been a manual laborer is sufficient to justify deportation. (Chain Chio Fong *v.* United States, 133 F. R., 154; C. C. A., Oct. 3, 1904.)

3 A merchant's certificate issued to a Chinese person under section 6 of the act of July 5, 1884, but which does not conform to the requirements of said section by stating the estimated value of his business carried on in China nor fully establish his status as a merchant, is not evidence of the right of such Chinese person to remain in the United States after having been admitted thereto.—(Cheung Pang *v.* United States, 133 F. R., 392; C. C. A., Oct. 3, 1904.)

4 It is not reversible error for a district court on appeal from a commissioner's order of deportation of a Chinaman for failure to show by affirmative proof the reasons for failure to procure a certificate of residence prescribed by section 3 of the act of May 5, 1892, to exclude evidence additional to that taken by the commissioner on the original trial.—(Yee Yuen *v.* United States, 133 F. R., 222; C. C. A., Oct. 3, 1904.)

5 In deportation proceedings a United States commissioner is not obliged to accept as true the testimony of defendant that he is an American citizen by birth, even though such testimony is uncontradicted and apparently corroborated; for the general rule that, where unimpeached witnesses testify distinctly and positively to a fact and are uncontradicted, their testimony should be credited is subject to many exceptions.—(United States *v.* Sing Lee, 125 F. R., 627; Dist. Ct., Oct. 8, 1903.)

6 Admissions or statements of a defendant, voluntarily made to the officers by whom he is arrested in answer to questions put by them either before or after his arrest, are admissible in evidence against him, and the Government has a right to call and examine him as a witness.—(United States *v.* Hung Chang, 134 F. R., 19; C. C. A., Dec. 1, 1904.)

7 When it appeared that the Chinese person under arrest had not procured a certificate of residence; that at the time of arrest he was working as a servant; and that since entering the United States he had worked as a cook and delivery man in a store in which he possessed no interest, an order of deportation was not error.—(Mar Sing *v.* United States, 137 F. R., 875; C. C. A., May 1, 1905.)

8 The judgment of a district court that a Chinese person, arrested on the charge that he is unlawfully in the United States, shall be deported, he having failed to satisfy the court, as required by section 3 of the act of May 5, 1892, that he has a right to remain, will not be

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disturbed unless the conclusion reached is clearly against the evidence.—(Ibid.)

In deportation proceedings under the act of May 5, 1892, as amended by the acts of November 3, 1893, and April 29, 1902, it is competent for the Government to swear the defendant as a witness against himself.—(Low Foon Yin *v.* United States Immigration Commissioner et al., 145 F. R., 791; C. C. A., May 14, 1906.) 1

In proceedings for the deportation of a Chinese person, evidence consisting of a paper called a "birth certificate" rejected, for the reason that such paper was not prepared as required by law and therefore had no force as a legal document.—(Lee Yuen Sue *v.* United States, 146 F. R., 670; C. C. A., June 19, 1906.) 2

A resident of the United States claiming to be a native-born citizen, although of the Chinese race, may not be deported or banished until the right of the Government to deport or banish has been judicially determined in accordance with the usual and ordinary rules of evidence.—(Moy Suey *v.* United States, 147 F. R., 697; C. C. A., Aug. 11, 1906.) 3

As a Chinese person arrested and under trial in deportation proceedings has the burden of proving a right to remain in the United States, *Held*, in a case in which the defendant claimed that he was a merchant during the registration, that his failure to produce at least one creditable white witness to prove his residence in the United States prior to such period was "conclusive against his right to remain in the United States."—(United States *v.* Yee Gee You, 152 F. R., 156; C. C. A., Mar. 12, 1907.) 4

Under the acts of May 5, 1892, and November 3, 1893, in deportation cases, the only permissible evidence of a Chinese laborer's right to be in the United States is the certificate of residence mentioned in said acts, or, in lieu thereof, testimony showing that by reason of accident, sickness, or other unavoidable cause he was unable to procure such certificate, and the testimony of at least one white witness that he was a resident of the United States prior to the registration period.—(Ibid.) 5

The provisions made by the Chinese exclusion acts for the examination before United States commissioners of Chinese persons alleged to be unlawfully in this country, clothes them with a jurisdiction which is entirely independent of the district court; and that court has no power to issue a dedimus protestatem to take testimony to be used in such an investigation, since Revised Statutes of the United States, section 866, authorizing the issuance of such a commission by the federal courts "in any case where it is necessary in order to prevent a failure or delay of justice," applies only to cases of which those courts have jurisdiction.—(United States *v.* Hom Hing, 48 F. R., 635; Dist. Ct., Jan. 6, 1892; *see also* 150 F. R., 608.) 6

A Chinese person who is shown by uncontradicted evidence to be entitled to remain in the United States can not be deported because of his refusal to be sworn to testify at the request of the prosecution.—(Ex parte Sing, 82 F. R., 22; Cir. Ct., July 12, 1897.) 7

In proceedings for the deportation of a Chinese person where the issue is the citizenship of such person, his private letters procured by officers who opened the envelopes in violation of the fourth and 8

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fifth amendments to the Constitution providing against unreasonable seizures, can not be used by the Government against the defendant.—(United States *v.* Wong Quong Wong, 94 F. R., 832. United States *v.* Wong Chin Shuen, Dist. Ct., June 1, 1899.)

1 A judgment of deportation of a Chinese woman will not be disturbed on appeal, said person having stated at the time of her arrest and a few days thereafter to an inspector, as testified by him, that she came from China four or five years before the registration period and had a certificate of residence, though it was not produced, although she and several Chinese witnesses testify she was born in the United States.—(Yee N'Goy *v.* United States, 116 F. R., 333; C. C. A., May 26, 1902.)

2 A Chinese person can not be compelled to testify as to his nationality.—(United States *v.* Hung Chang, 126 F. R., 400; Dist. Ct., Dec. 17, 1902. Reversed; *see* 134 F. R., 19.)

3 It was error to expel Chinese persons because they refused to testify in their own behalf, when they had produced a witness who gave testimony, not contradicted, impeached, or discredited in any manner, that said persons were born in the State of California.—(United States *v.* Leung Shue et al., 126 F. R., 423; Dist. Ct., Dec. 18, 1903.)

4 Where the evidence in a deportation proceeding left the question of the defendant's alleged citizenship in doubt, it was not error for the judge to cause defendant, accompanied by his counsel, to be brought before him, and to further examine defendant concerning the evidence.—(Lee Yuen Sue *v.* United States, 146 F. R., 670; C. C. A., June 19, 1906.)

5 A proceeding for the deportation of a Chinese person is civil and not criminal in its nature, and the defendant may be sworn and examined as a witness for the Government.—Law Chin Woon *v.* United States, 147 F. R., 227; C. C. A., June 19, 1906.)

6 As proceedings for the deportation of Chinese persons are civil and not criminal, a defendant claiming to be a native of the United States may avail himself of the right given by section 863, Revised Statutes, to take and use depositions debene esse.—(In re Lam Jung Sing, 150 F. R., 608; Dist. Ct., Feb. 1, 1907.)

7 The provision of the exclusion laws which places the burden of proof upon the alien of rebutting the presumption arising from his having no certificate of residence is within the acknowledged power of every legislature to prescribe the evidence which shall be received, and the effect of that evidence in the courts of its own government.—(Fong Yue Ting *v.* United States, 149 U. S., 698; Sup. Ct., May 15, 1893. Li Sing *v.* United States, 180 U. S., 486; Sup. Ct., Mar. 18, 1901.)

8 The act of April 29, 1902, continuing all Chinese exclusion laws then in force, "so far as the same are not inconsistent with treaty obligations," does not repeal section 3 of the act of May 5, 1892, putting the burden of proving their right to remain in this country on Chinese persons arrested under the act; nor does it repeal section 6 of the said act, as amended by the act of November 3, 1893, requiring Chinese laborers who are entitled to remain in the United States to obtain a certificate of residence.—(Ah How *v.* United States, 193 U. S., 65; Sup. Ct., Feb. 23, 1904.)

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The provision of the exclusion act of May 5, 1892, that the person charged is presumed to be guilty without the production of any evidence against him and must establish his innocence by affirmative evidence, is not repugnant to any provision of the Federal Constitution, nor does it violate any common law rule of evidence; for the facts constituting a defense are peculiarly within the knowledge of the party charged and the burden is naturally upon him.—(In re Sing Lee, In re Ching Jo, 54 F. R., 334; Dist. Ct., Feb. 28, 1893.) 1

Under the Chinese exclusion acts, due process of law requires that the United States, when prosecuting, should show that the defendant is unlawfully in this country, and not that he should show a right to be here.—(United States *v.* Long Hop, 55 F. R., 58; Dist. Ct., Feb. 8, 1892. United States *v.* Hung Chang, 126 F. R., 400; Dist. Ct., Dec. 17, 1903; 130 F. R., 439; C. C. A., May 21, 1904; 194 U. S., 194; 134 F. R., 19, reversal by C. C. A., Dec. 1, 1904.) 2

The provision of the act of May 5, 1892, section 3, throwing upon a Chinese person accused of being unlawfully in the United States the burden of proof, is constitutional.—(United States *v.* Wong Dep Ken, 57 F. R., 206; Dist. Ct., July 31, 1893. In re Li Sing, 86 F. R., 896; C. C. A., Apr. 7, 1898. United States *v.* Chun Hoy, 111 F. R., 899; C. C. A., Oct. 7, 1901. Low Foon Yin *v.* U. S. Imm. Comr. et al., 145 F. R., 791; C. C. A., May 14, 1906.) 3

The exclusion laws cast upon a Chinese person arrested on the ground of unlawful residence in the United States the burden of showing affirmatively that he is entitled to reside in this country.—(United States *v.* Chung Fung Sun et al., 63 F. R., 261; C. C. A., Oct. 3, 1894. United States *v.* Lung Hong, 105 F. R., 188; Dist. Ct., May 5, 1900. United States *v.* Lee Huen, 118 F. R., 442; Dist. Ct., Oct. 6, 1902. United States *v.* Sing Lee, 125 F. R., 627; Dist. Ct., Oct. 8, 1903. Lee Yue *v.* United States, 133 F. R., 45; C. C. A., Oct. 3, 1904. Toy Tong et al. *v.* United States, 146 F. R., 343; C. C. A., June 18, 1906.) 4

The provision of section 3 of the Chinese exclusion act of May 5, 1892, which places the burden on a Chinese person or person of Chinese descent arrested thereunder to "establish by affirmative proof, to the satisfaction of the justice, judge, or commissioner, his lawful right to remain in the United States," requires him to produce credible evidence sufficient to satisfy the judgment of a reasonable man, considering the same fairly and impartially. A commissioner may not, arbitrarily, capriciously, or against reasonable, unimpeached, and credible evidence which is uncontradicted in its material points, and susceptible of but one fair construction, refuse to be satisfied; but, on the other hand, he is not bound to be satisfied by the testimony of a single witness as to facts which, if the testimony is true, must necessarily be known to other obtainable witnesses who are not produced.—(United States *v.* Lee Huen, 118 F. R., 442; Dist. Ct., Oct. 6, 1902.) 5

Where, in the proceedings for the deportation of a Chinaman, he claimed to be a native-born citizen of the United States, the burden of proof of such fact was on him, as provided by the acts of May 5, 1892, and November 3, 1893.—(United States *v.* Sing Lee, 125 F. R., 627; Dist. Ct. Oct. 8, 1903. Lee Yuen Sue *v.* United States, 146 F. R., 670; C. C. A., June 19, 1906.) 6

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1 The burden of proof rests upon a Chinese person, in case he is ordered deported, to sustain his claim of right to be removed to a country other than China, on the ground that he is a subject or citizen of such country.—(United States *v.* Sing Lee, 125 F. R., 627; Dist. Ct., Oct. 8, 1903.)

2 Chinese persons found to be unlawfully in this country may be removed directly to China unless they show that they are not subjects of China and are the subjects of some other foreign country, and claim to be entitled to be returned to a foreign country other than China, the burden of proof is upon them to establish the conclusion that they are subjects of such foreign country.—(20 Ops. Attys. Gen., 171; June 30, 1891.)

3 In a proceeding for the deportation of a Chinese person the certificate of a United States commissioner that defendant had been adjudged by said commissioner to be lawfully in the United States is inadmissible as evidence of his present status, not being a certified copy of such adjudication, but a mere recital that such judgment had been rendered.—(Lew Guey *v.* United States, 193 U. S., 65; Sup. Ct., Feb. 23, 1904. United States *v.* Lew Poy Dew, 119 F. R., 786; Dist. Ct., Jan. 24, 1903.)

4 Upon appeal, the record of the commissioner before whom the Chinese defendants were originally tried showing that "the proofs furnished in this case are sufficient to show that these three persons were engaged in business rather than in manual labor in 1894," it was error for the district court to affirm the commissioner's order of deportation of the Chinese persons who had been found engaged as laborers in the United States without laborers' certificates of residence.—(Tom Hong *v.* United States, 193 U. S., 517; Sup. Ct., Mar. 21, 1904.)

5 Where a Chinaman arrested for being in the United States unlawfully is identified as a man who has been in the United States for several years, and testifies that he came to the United States long prior to the passage of the exclusion act, and his testimony shows a knowledge of places in the United States, and events which have occurred during the past ten years, such evidence is sufficient to overcome presumptions arising from the fact that he was found near the border line and was a stranger to the officers who made the arrest.—(United States *v.* Jim, 47 F. R., 431; Dist. Ct., Aug. 29, 1891.)

6 Where a Chinese person is found in the United States and is arrested, but not on view of his entry into this country, he can not be removed unless it is shown that he is unlawfully in this country.—(In re Mah Wong Gee et al., 47 F. R., 433; Dist Ct., Sept. 7, 1891.)

7 A Chinese laborer was arrested for being in the United States in violation of the exclusion acts, as amended by the act of October 1, 1888. The evidence showed that he had been in this country continuously for twenty-two years prior to April 1, 1891, but that he was at Kingston, Canada, in the last week of that month. He denied having been there, and there was nothing to show his purpose in going or his intention as to returning. *Held*, that he was unlawfully in the United States and should be returned to Canada as the "country whence he came."—(United States *v.* Don On, 49 F. R., 569; Cir Ct., Nov. 20, 1891.)

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Where a Chinaman came to this country for the first time in June, 1897; from which time until his arrest in September, 1897, he worked in a laundry in Hannibal, Mo., he testifying that he had an interest of $1,000 in a Chinese grocery business in New York City. *Held*, that this evidence did not constitute him a "merchant" under the act of November 3, 1893, but that he was a "laborer" within section 2 of said act, and so liable to deportation.—(United States *v.* Yong Yew, 83 F. R., 832; Dist. Ct., Nov. 23, 1897.) 1

The provision of the act of May 5, 1892, section 6, as amended by the act of November 3, 1893, that any Chinese laborer found within the jurisdiction of the United States without the certificate of residence required by that act shall be ordered deported unless he shall establish that by reason of accident, sickness, or other unavoidable cause he was unable to procure his certificate, and, by at least one credible witness other than Chinese, that he was a resident of the United States on May 5, 1892, leaves no room for construction and gives the judge before whom such person is brought no discretion to accept any other testimony concerning his residence than that prescribed.—(United States *v.* Williams, 83 F. R., 997; Dist. Ct., Dec. 8, 1897.) 2

In a proceeding for deportation, proof that ever since his admission he has been occupied as a laborer will overcome the prima facie evidence that a Chinese person, landed on an uncontradicted certificate as a merchant under section 6 of the act of July 5, 1884, is a merchant and entitled to be in the United States.—(United States *v.* Ng Park Tan, 86 F. R., 605; Dist. Ct., Apr. 12, 1898.) 3

While, in all cases of Chinese entering the United States and in the case of laborers residing within the country when the acts requiring registration were passed, the official certificate is indispensable and constitutes the sole evidence of the right to enter or remain, in all other cases the status of the Chinese person at the time of arrest and trial may be shown by any affirmative proof satisfactory to the judge, justice, or commissioner before whom he is tried.—(United States *v.* Chu Chee et al., 87 F. R., 312; Dist. Ct., May 6, 1898.) 4

A Chinese person who entered the United States without the certificate prescribed by section 6 of the act of July 5, 1884, can not, when arrested under the act of May 5, 1892, establish a right to remain here by proof that since his arrival his occupation has been solely that of a member of the privileged classes.—United States *v.* Chu Chee et al., 93 F. R., 797; C. C. A., Mar. 6, 1899. 5

In deportation proceedings conducted under the act of November 3, 1893, a showing to the effect that the defendant is a member of a mercantile firm conducted in the name of a partnership is sufficient to constitute him a "merchant" within the meaning of said act, although his individual name does not appear in the partnership designation (following 62 F. R., 914).—(United States *v.* Wong Ah Gah, 94 F. R., 831; Dist. Ct., May 29, 1899.) 6

In proceedings for the deportation of Chinese persons whose right to remain in this country rests solely on a claim that they were born in the United States, the testimony of their alleged father, shown by other Chinese witnesses to be inconsistent with statements previously made by him, which statements, however, he denies having made, is 7

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not of itself sufficient to establish such claim to citizenship.—(United States *v.* Lee Pon et al., 94 F. R., 827; Dist. Ct., June 8, 1899. See also 94 F. R., 834.)

1 A Chinese person not a laborer, who has come to this country on a certificate issued under section 6 of the act of July 5, 1884, and properly signed and viséed, and who after examination has been permitted to enter the United States and has engaged in business here as a merchant for seventeen months, can not, in the absence of fraud, be deported on the ground that his certificate is incomplete and defective in matters of nomenclature and description.—(United States *v.* Pin Kwan, 94 F. R., 824; Dist. Ct., June 14, 1899. Revised; *see* 100 F. R., 609.)

2 While a court, in its discretion, on appeal, may permit a Chinese laborer arrested on the Texas side of the Rio Grande and ordered deported by a commissioner to return to Mexico, where he formerly resided, when satisfied of the truth of his claim that he entered the United States unintentionally, it will not interfere with the order of deportation where it appears more probable from the evidence that his entry was intentional.—(Yee Yee Chung *v.* United States, 95 F. R., 432; Dist. Ct., June 30, 1899.)

3 A certificate of residence issued under the act of May 5, 1892, as amended by the act of November 3, 1893, to a "Chinese person other than a Chinese laborer having a right to be and remain in the United States," constitutes prima facie evidence of the right of the holder to reside in this country, of which right he will not be deprived unless it is clearly shown that he has committed some act that would work its forfeiture.—(Jew Sing *v.* United States, 97 F. R., 582; Dist. Ct., Nov. 1, 1899.)

4 Evidence that a Chinese person has been associated in the business of a mercantile company in the United States, keeping the books and selling goods, and that he has an interest in the stock of goods of said company, is insufficient to establish his status as a merchant within the meaning of the statute, it not being shown that his name appears in the partnership articles or that he is in fact a partner.—(United States *v.* Pin Kwan, 100 F. R., 609; C. C. A., Feb. 28, 1900.)

5 When a Chinaman arrested for deportation on the ground of unlawful residence claims to be a merchant, he must show a fixed place of business and such frequent sales of merchandise as entitles him to be considered a merchant within the ordinary meaning of the term, or an actual and substantial interest in some firm of such merchants.—(United States *v.* Lung Hong, 105 F. R., 188; Dist. Ct., May 5, 1900.)

6 Evidence introduced in behalf of a Chinese person arrested as a laborer unlawfully in the United States, consisting of an affidavit of the alleged father of such person, a record of the defendant's admission to the United States on the basis of such affidavit, and the testimony of one Chinese witness, there being two circumstances of suspicion in the testimony, *held* insufficient to establish the claim of the defendant that his birth had occurred in the Hawaiian Islands.—(United States *v.* Chun Hoy, 111 F. R., 899; C. C. A., Oct. 7, 1901.)

7 The father of a Chinaman ordered deported testified that he had been in the United States thirty years; was married in San Fran-

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cisco, and had one child, the defendant; that when the boy was 12 years old his mother returned to China, the boy remaining and accompanying his father to New York, where he lived with him three years, and then obtained employment with a third party, working for him five years; that shortly thereafter the boy returned to China to visit his mother, staying three years; that he, the father, had received letters from the son while the latter was in China, but could not produce any of them. The son testified that he was born in San Francisco; that he visited his mother in China in 1898, remaining until 1901, when he returned. No other testimony offered. *Held*, that the commissioner's order deporting the son would not be disturbed.—(United States *v.* Leung Sam, 114 F. R., 702; Dist. Ct., Mar. 13, 1902.)

A judgment for the deportation of a Chinese laborer found without a certificate of residence provided for by section 6 of the act of May 5, 1892, unless he shall establish to the satisfaction of the court by credible witnesses that he was a resident of the United States at the date of the act, will not be disturbed, though there was undisputed testimony of a white person that he came to P. in 1893; that while there he saw the Chinaman at a store, and— 1

he worked in the store there and I think he was interested. I think he was a partner * * *. I saw several Chinamen. I used to set around there a good deal, and there was a dozen or more, and there seemed to be three or four or five of them working as partners, I suppose. I understood they were partners together. It was a kind of family affair.—

(Quong Sue *v.* United States, 116 F. R., 316; C. C. A., May 5, 1902.)

A judgment of deportation of a Chinese woman will not be disturbed on appeal, said person having stated at the time of her arrest and a few days thereafter to an inspector, as testified by him, that she came from China four or five years before the registration period, and had a certificate of residence, though it was not produced, although she and several Chinese witnesses testify she was born in the United States.—(Yee N'Goy *v.* United States, 116 F. R., 333; C. C. A., May 26, 1902. *See also* Lee Ah Yin *v.* United States, 116 F. R., 614; C. C. A., May 19, 1902.) 2

While it is impossible to prescribe any fixed rule by which the credibility of a witness is to be tested, or which shall bind the conscience of the court or commissioner, the record should ordinarily disclose to the appellate court something to justify the refusal to give his testimony full faith and credit.—(United States *v.* Lee Huen, 118 F. R., 442; Dist. Ct., Oct. 6, 1902.) 3

Upon the issue as to the citizenship of a person of Chinese descent, evidence from a male person, not the father, that the defendant was born at a certain time and place in the United States, unaccompanied by any details as to how or why the witness knows such fact, is not conclusive on the commissioner or court.—(Ibid.) 4

The credibility of a witness may be affected by circumstances or by his own testimony, as well as by contradictory evidence; and the improbability of his statements, or his apparent lack of memory, accuracy, or intelligence, as well as his apparent lack of truthfulness, may justify a refusal to accept his testimony as satisfactory, even though uncontradicted.—(Ibid.) 5

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1 The mere fact that a witness for the defendant in a proceeding for deportation is himself a Chinese person does not render him an interested witness, within the rule which permits interest to be considered as a discrediting circumstance.—(Ibid.)

2 In proceedings under the Chinese exclusion act, the testimony of Chinese witnesses, unknown and coming from a distance—especially that of foreigners—may be regarded as more or less weak; and, when contradicted or really discredited in any of the modes recognized by our laws, the commissioner is justified in regarding it as insufficient, standing alone, to convince the judicial mind, where he acts from a fair conviction that the case is not made out; and in such case the appellate court is not warranted in reversing his finding.—(Ibid.)

3 Where, in a proceeding for the expulsion of certain Chinese aliens, the only evidence of citizenship offered was certain unsatisfactory testimony of one witness to the effect that he was an uncle of defendants and that they were born in San Francisco, the defendants refusing to be sworn in their own behalf, a finding against the aliens' right to remain in the United States was not erroneous.—(United States *v.* Moy You et al., 126 F. R., 226; D. C., N. D., or N. Y., Dec. 1, 1903.)

4 A decision of a United States commissioner rejecting evidence of citizenship of a Chinese person, in deportation proceedings, upon the ground that he did not believe the testimony that the defendant was only 29 years old, which decision was affirmed by the district court, will not be disturbed in the absence from the record of anything to show that the commissioner's conclusion as to the age of the defendant was incorrect.—(Ark Foo et al. *v.* United States, 128 F. R., 697; C. C. A., Feb. 23, 1904.)

5 Where a witness to the citizenship of a Chinese person testified that the defendant was born in the United States, but was unable to state any facts concerning the village where it was alleged the defendant was born and where the witness testified he lived for eighteen years, the only event recalled with certainty being defendant's birth, a finding of the commissioner rejecting such testimony, affirmed by the district judge, will be reversed on appeal.—(Ibid.)

6 Where a witness to the citizenship of an alleged Chinese alien was not impeached or discredited, but gave clear and straightforward testimony concerning which no criticism was made by the commissioner, and the alleged alien was not requested to be sworn in his own behalf, his failure to offer himself as a witness was not sufficient reason for ordering him deported.—(Ibid.)

7 A Chinese person who produced three witnesses of the Chinese race and two white persons, who were able to state with a fair degree of consistency that such person had been engaged in a mercantile pursuit during the registration period, can not under the exclusion laws be ordered deported.—(United States *v.* Louie Juen, 128 F. R., 522; Dist. Ct., Mar. 11, 1904.)

8 In proceedings for the deportation of a Chinese person the fact that he was permitted to live in the United States for nineteen years without molestation was insufficient to raise a presumption that his arrival antedated the date on which the exclusion act of May 6, 1882, as amended by the act of July 5, 1884, went into effect, he never having registered as a laborer or merchant as required by law.—(United States *v.* Ah Chung, 130 F. R., 885; C. C. A., May 2, 1904.)

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The judgment of a district court affirming an order of a commissioner for the deportation of a Chinese person against his claim that he was born in the United States, which was supported by the testimony of himself and two other Chinese witnesses, but was contradicted by a prior admission of defendant, *held* not reversible for error.—(Chew Hing *v.* United States, 133 F. R., 227; C. C. A., Oct. 3, 1904.) 1

In proceedings for the deportation of a Chinese person arrested because without a certificate of residence and engaged in a laboring pursuit, the testimony of the defendant, that of several other Chinese witnesses, and that of one white witness, all tending to show that he was born in the United States, *held* insufficient to sustain the burden resting upon him on the issue, in view of a previous statement made and signed by him after his arrest to the effect that he was born in China, and of the fact that the judge was not favorably impressed with the manner in which the white witness gave his testimony.—(United States *v.* Wong Du Bow, 133 F. R., 326; Dist. Ct., Nov. 23, 1904.) 2

Chinese testimony to the effect that defendants, arrested for deportation, were born in the United States, or that they are merchants, is sufficiently corroborated by the testimony of credible white witnesses, in the one case, that they have seen and known defendants since they were young as the children of Chinamen resident in this country, or, in the second case, that the defendants were for years employed in stores as merchants and reputed to be partners therein.—(United States *v.* Lee Wing, 136 F. R., 701; Dist. Ct., Mar. 7, 1905.) 3

Defendant in 1890 became a member of two Chinese mercantile firms in California, his name appearing on the partnership books as a partner, and so continued up to the time of the commencement of deportation proceedings. From 1890 to 1900 he engaged in no manual labor, but devoted his entire time to his mercantile interests, until he purchased an interest in a shrimp company in March, 1900, after which from March till August he devoted a portion of his time to keeping books for that concern, but did manual labor, such as pickling shrimps and delivering them to customers. The shrimp business was absorbed by another company, in which he was interested until May, 1902, when he sold the interest in the purchasing company and returned to China, he having devoted his entire time after the sale and before his return to the mercantile business of the firm of which he was a member. *Held*, that by engaging in manual labor while in the shrimp business he did not lose his right to remain in the United States under the acts of May 5, 1892, and November 3, 1893, providing for the exclusion of nonregistered Chinese on their ceasing to be merchants and engaging in manual labor.—(Ow Yang Dean *v.* United States, 145 F. R., 801; C. C. A., May 14, 1906.) 4

Where a Chinese merchant, during the year antedating a visit to China, did no manual labor except that for a short time he assisted in pickling shrimp and delivering them to customers in connection with the business of a shrimp company of which he was a member, such work did not amount to the doing of manual labor not necessary in the conduct of his business within the meaning of the acts of May 5, 1892, and November 3, 1893, and on being arrested charged 5

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with being a laborer unlawfully in the United States, such Chinese person is not subject to deportation.—(Ibid.)

1 In proceedings for the deportation of an alleged Chinese person, the fact that he was a native of China, coupled with his personal appearance, indicating by his dress, physiognomy, and queue that he was a Chinaman, was sufficient to justify a finding that he was a person of that race, in the absence of evidence to the contrary.—(Low Foon Yin *v.* U. S. Commissioner Immigration et al., 145 F. R., 791; C. C. A., May 14, 1906.)

2 In proceedings for the deportation of a Chinese person, evidence *held* insufficient to establish that he was a native-born citizen of the United States; he having submitted a "birth certificate" procured for him in San Francisco by a cousin (such paper not being prepared as required by law and therefore having no force as a legal document), some discrepancies appearing in the testimony given by him and one of his witnesses, and one of the witnesses making apparently incredible claims.—(Lee Yuen Sue *v.* United States, 146 F. R., 670; C. C. A., June 19, 1906.)

3 *Held*, that a finding by a United States commissioner that a Chinese person charged with being unlawfully in the country should be deported on the ground that he has not established his right to remain in the United States "by affirmative proof to the satisfaction of the commissioner," under section 6 of the act of May 5, 1892, was not warranted where the claim of the defendant that he was a native-born citizen of the United States was supported by his own testimony, consistent and explicit in character and giving his place of birth, residence at different times, place of attending school, and the occupation and places of business of his father and uncle, and which was corroborated by the testimony of an uncle and a cousin, and wholly uncontradicted.—(Moy Suey *v.* United States, 147 F. R., 697; C. C. A., Aug. 11, 1906.)

4 *Held*, in a case in which a Chinese person claiming to be a native-born citizen of the United States produced an alleged uncle to prove such birth, and it was shown by the Government that in a former case said uncle had testified that he had only one brother, who had three children, all of whom were born in China, that the commissioner's finding to the effect that the alleged birth in the United States was not proved was correct.—(United States *v.* Loy Too, 147 F. R., 750, Dist. Ct., Sept. 28, 1906.)

5 *Held*, that in a case in which the testimony of the accused given in court was discredited by testimony previously given by him before an immigration officer, and in which case it appeared that the accused reached the point in the United States at which arrested surreptitiously and by a devious route, a judgment of deportation in the lower court was warranted.—(Lee Joe Yen *v.* United States, 148 F. R., 682; C. C. A., Oct. 1, 1906.)

6 Evidence presented in a proceeding for the deportation of an alleged Chinese person, consisting of his own testimony that he was born in the United States, the testimony of a Chinaman, his alleged uncle, to the same effect and asserting that he had known him since he was about a month old, and the testimony of two white witnesses which, however, tended only to establish his residence for several years in Chicago, *held* not sufficient to sustain defendant's claim of

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American birth, he having stated to two government officials, when first arrested, that he was born in China, and having refused to testify at the trial of the case before the commissioner.—(United States *v.* Lam Jung Sing, 151 F. R., 715; Dist. Ct., Mar. 19, 1907.)

Held, in a case in which the defendant claims a right to remain in the United States, by alleging that he was a merchant during the registration period, that evidence consisting of his own testimony, corroborated by that of two Chinese witnesses, to the effect that during said period he was the owner of an interest in and employed in conducting the business of a mercantile house, was insufficient to establish his claim, and that his failure to produce at least one credible white witness to prove his residence in the United States prior to the registration period was "conclusive against his right to remain in the United States."—(United States *v.* Yee Gee You, 152 F. R., 156, C. C. A., Mar. 12, 1907.) 1

[U. S. D. C., Cal., 1897.]

The provision of the act of May 5, 1892, section 6, as amended by act of November 3, 1893 (28 Stat., 7), that any Chinese laborer found within the United States without the certificate of residence required by that act shall be ordered deported unless he shall establish "by at least one credible witness, other than Chinese," that he was a resident on May 5, 1892, leaves no room for construction, and gives the judge before whom such person is brought no discretion to accept any other testimony than that prescribed.—(United States *v.* Williams, 83 F., 997.) 2

[U. S. C. C. A., Cal., 1906.]

A proceeding for the deportation of a Chinese laborer not having a certificate entitling him to residence required by Chinese-exclusion act (act Cong., May 5, 1892, ch. 60, 27 Stat., 25; U. S. Comp. St., 1901, p. 1319) as amended by act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1322), and act of April 29, 1902, ch. 641, 32 Stat., 176 (U. S. Comp. St. Supp., 1905, p. 295), is not a criminal proceeding, and hence it is competent for the Government to swear such Chinese person as a witness against himself.—(Low Foon Yin *v.* United States Immigration Commr., 145 F., 791; 76 C. C. A., 355.) 3

[U. S. C. C. A., Cal., 1896.]

In proceedings under act of November 3, 1893, to deport a Chinese person, it was admitted that on August 1, 1893, he was a "merchant," as defined by the statute. On that day the store he and his partner occupied was burned, and in November he left for China, returning in May, 1895. Before leaving the firm had rebuilt and restocked the store, and on returning he resumed his connection with the business, which, his partner testified, had always been retained. *Held*, sufficient to show that he had not lost the character of merchant, though there was no direct testimony that his name appeared in partnership articles or partnership accounts; nor was his status affected by the fact that he also conducted a gardening enterprise with Chinese labor, his own work being supervisory only.—(United States *v.* Wong Fong (D. C. 1895), 71 F., 283, reversed. Wong Fong *v.* United States, 77 F., 168; 23 C. C. A., 110.) 4

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[U. S. C. C. A., Cal., 1902.]

1 It being necessary under act of May 5, 1892, ch. 60, sec. 6, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), that a Chinese person found without a certificate of registration establish to the "satisfaction of the court" the facts on which he claims the right to remain, a judgment of deportation of a Chinese laborer can not be disturbed, she according to the testimony of an inspector, having at the time of her arrest and a few days thereafter told him that she came from China four or five years before, and that she had her registration certificate, but the certificate not being produced, and she and several Chinese witnesses testified that she was born in the United States.—(Yee N'Goy *v.* United States, 116 F., 333; 54 C. C. A., 205.)

[U. S. D. C., Cal., 1897.]

2 The order of deportation need not explicitly refer to the specific act of Congress under which the person to be deported is adjudged to be unlawfully in the United States.—(In re Tsu Tse Mee (D. C.), 81 F., 562.)

3 A complaint for the deportation of a Chinese laborer alleged merely that she had been and remained in the United States without procuring the certificate of residence required by the acts of May 5, 1892, and November 3, 1893. On the trial the court found that defendant was unlawfully within the jurisdiction of the United States. and, further, that she had entered the United States in violation of law, and gave judgment of deportation. *Held*, that the general finding that defendant was unlawfully in the United States was sufficient to support the judgment, though the further finding of an unlawful entry was not made within the issues made by the pleading.—(In re Gut Lun, 83 F., 141.)

[U. S. D. C., Cal., 1900.]

4 In the proceeding for the deportation of a Chinese person arrested as being unlawfully in the United States, the commissioner has no jurisdiction to cancel a certificate of residence issued to the defendant under the provisions of act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. Stat., 1901, p. 1322), and regular on its face, on the ground that it was procured by fraud; and, having found that defendant is possessed of such certificate, an order by the commissioner for his deportation is void, unless it is further found that defendant has, since the issuance of such certificate, forfeited his right to remain in the United States by departing therefrom without procuring from the collector a certificate entitling him to reentry.—(In re See Ho How, 101 F., 115.)

[U. S. C. C. A., Cal., 1896.]

5 A judgment of a federal court discharging on habeas corpus a Chinese immigrant detained on board a vessel pursuant to a collector's decision is conclusive of the right of entry.—(71 F., 277 (D. C. 1895), affirmed. United States *v.* Chung Shee, 76 F., 951; 22 C. C. A., 639.)

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[U. S. D. C., Cal., 1897.]

A commissioner having made an order of deportation under the Chinese-exclusion act of May 5, 1892, his further order that the person to be deported "be forthwith taken before the nearest United States judge, that a review of these proceedings may be had and proper order of deportation made," being unnecessary, may be treated as surplusage.—(In re Wong Fock, 81 F., 558.) 1

[U. S. D. C., Cal., 1897.]

It is enough if the order of deportation shows that the person to be deported has been adjudged to be unlawfully within the United States, without a finding stating where he came from, as the specification of the country to which he is to be deported concludes any inquiry on that point.—(In re Tsu Tse Mee (D. C.), 81 F., 562.) 2

[U. S. C. C. A., Cal., 1902.]

Where, in the proceedings for the deportation of a Chinese woman, she testified and offered other evidence to prove that she was born in the United States, which evidence was practically without contradiction, but there were inconsistencies in the evidence which might well cause its truth to be doubted and circumstances which tended to impeach her evidence, the finding of commissioner against such evidence should not be set aside.—(Lee Ah Yin *v.* United States, 116 F., 614; 54 C. C. A., 70.) 3

[U. S. C. C. A., Cal., 1904.]

The judgment of a district court affirming an order of a commissioner directing the deportation of a Chinese person *held* sustained by the evidence under the rule established by the exclusion acts which casts upon the defendant in such cases the burden of proving his right to remain in this country.—(Lee Yue *v.* United States, 133 F., 45; 66 C. C. A., 178. Tsoi Yii *v.* Same, 133 F., 1022; 66 C. C. A., 681.) 4

Evidence considered and *held* insufficient to establish clearly that a Chinese laborer who testified that he was a resident of the United States on May 5, 1892, and who failed to procure a certificate of residence, was unable to do so "by reason of accident, sickness, or other unavoidable cause," as required by the Chinese-exclusion act of May 5, 1892, ch. 60, 27 Stat., 25, as amended by act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., p. 1320), and a judgment ordering his deportation affirmed.—(Yee Yuen *v.* United States, 133 F., 222; 66 C. C. A., 276.) 5

[U. S. C. C. A., Cal., 1906.]

In proceedings for the deportation of an alleged Chinese person the fact that he was a native of China, coupled with his personal appearance, indicating by his dress, physiognomy, and queue that he was a Chinaman, was sufficient to justify a finding to that effect in the absence of evidence to the contrary.—(Low Foon Yin *v.* United States Immigration Commr., 145 F., 791; 76 C. C. A., 355.) 6

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[U. S. D. C., Cal., 1898.]

1 Act of May 5, 1892, section 3, providing that "any Chinese person * * * shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States," applies to a proceeding whereby a person of Chinese descent is seeking to enter and remain in the United States; and hence the proof of his birth in the United States must be to the satisfaction of the referee taking the evidence.—(In re Jew Wong Loy, 91 F., 240.)

[U. S. Sup., N. Y., 1904.]

2 The written statement of a United States commissioner that a Chinaman was brought before him charged with being unlawfully within the United States, and was adjudged to have the right to remain in the United States by reason of being a citizen thereof, is not evidence of such adjudication.—(Ah How *v.* United States, 24 S. Ct., 357; 193 U. S., 65; 48 L. Ed., 619. Chu Do *v.* Same, id; Lew Guey *v.* Same, id; Yung Lee *v.* Same, id.)

[U. S. C. C., N. Y., 1897.]

3 A Chinese person who is shown by uncontradicted evidence to be entitled to remain in the United States, can not be deported because of his refusal to be sworn to testify at the request of the prosecution.—(Ex parte Sing, 82 F., 22.)

[U. S. D. C., N. Y., 1902.]

4 Proceedings for the exclusion or deportation of Chinese aliens under the exclusion act are not criminal in character, and if the defendants therein fail to give testimony in their own behalf to explain doubtful matters peculiarly within their own knowledge or to contradict testimony given against them, such fact may be considered, where the testimony is contradictory.—(United States *v.* Lee Huen, 118 F., 442.)

[U. S. D. C., N. Y., 1903.]

5 Where, in a proceeding for the exclusion of certain Chinese aliens, the only evidence of citizenship offered was certain unsatisfactory testimony of one witness that he was an uncle of the defendants, and that they were both born in San Francisco, and defendants refused to be sworn in their own behalf, a finding against the alien's right to remain was not erroneous.—(United States *v.* Moy You, 126 F., 226.)

6 Where, in deportation proceedings under the Chinese exclusion act, a commissioner found that defendants had produced a witness who testified that defendants were born in the State of California, and that such witness was not contradicted, impeached, or discredited in any manner whatsoever, it was error for the court to order their deportation solely on the ground that their right to remain in the

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United States was discredited by their refusal to take the stand and testify on the demand of the United States attorney.—(United States *v.* Leung Shue, 126 F., 423.)

[U. S. Sup., N. Y., 1904.]

A United States commissioner is not, as a matter of law, bound to be satisfied by the testimony of a Chinese laborer that he was disabled by sickness from obtaining the certificate of residence required by act of May 5, 1892, ch. 60, sec. 6, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), as amended by act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1322), in order to entitle him to remain in the United States.—(Ah How *v.* United States, 24 S. Ct., 357; 193 U. S., 65; 48 L. Ed., 619. Chu Do *v.* Same, id. Lew Guey *v.* Same, id. Yung Lee *v.* Same, id.) 1

[U. S. D. C., N. Y., 1902.]

The father of a deported Chinaman testified that he had been in the United States thirty years; was married in San Francisco and had one child, the one in question; that at the age of 12 the boy's mother returned to China, the boy remaining and accompanying his father to New York, where he lived with his father three years, and then obtained employment with a third party, working for him five years; that shortly thereafter the boy returned to China to visit his mother, staying three years. He testified that he had received letters from the son while in China, but could not produce any of them. The son testified that he was born in San Francisco; that he visited his mother in China in 1898, remaining until 1901, when he returned, landing in Vancouver, and paying the head tax, and coming into the United States from Canada. No other testimony was offered in his behalf. *Held*, that the commissioner's order deporting the son would not be disturbed.—(United States *v.* Leung Sam, 114 F., 702; Same *v.* Lee Yee, id.; Same *v.* Lee Foo, id.) 2

Upon the issue as to the citizenship of a person of Chinese descent, evidence from a male person, not the father, that the defendant was born at a certain time and place in the United States, unaccompanied by any details as to how or why the witness knows such fact, is not conclusive on the commissioner or court.—(United States *v.* Lee Huen, 118 F., 442.) 3

The provision of section 3 of the Chinese exclusion act of May 5, 1892, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), which places the burden on a Chinese person or person of Chinese descent arrested thereunder to "establish by affirmative proof, to the satisfaction of the justice, judge, or commissioner, his lawful right to remain in the United States," requires him to produce credible evidence sufficient to satisfy the judgment of a reasonable man considering the same fairly and impartially. A commissioner may not arbitrarily, capriciously, or against reasonable, unimpeached, and credible evidence, which is uncontradicted in its material points, and susceptible of but one fair construction, refuse to be satisfied; but, on the other hand, he is not bound to be satisfied by the testimony of a single 4

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witness as to facts which, if the testimony is true, must necessarily be known to other obtainable witnesses who are not produced.—(United States *v.* Lee Huen, 118 F., 442.)

1 In proceedings under the Chinese exclusion act the testimony of Chinese witnesses, unknown and coming from a distance—especially that of foreigners—may be regarded as more or less weak, and, when contradicted or readily discredited in any of the modes recognized by our law, the commissioner is justified in regarding it as insufficient, standing alone, to convince the judicial mind, where he acts from a fair conviction that the case is not made out, and in such case the appellate court is not warranted in reversing his finding.—(United States *v.* Lee Huen, 118 F., 442.)

[U. S. D. C., N. Y., 1903.]

2 The findings of a commissioner against the right of a Chinese person, claiming to be a native of the United States, to remain in this country and against the right of another to be deported to Canada as a naturalized British subject, *held*, justified under the evidence.—(United States *v.* Sing Lee, 125 F., 627; Same *v.* Hay Foon, id.)

[U. S. Sup., N. Y., 1901.]

3 The burden of establishing by affirmative proof his right to remain in the United States, which is put upon a Chinaman by act of Congress May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), when he is arrested on the grounds that he is unlawfully in this country, is within the acknowledged power of every legislature to prescribe the evidence which shall be received, and the effect of that evidence in the courts of its own Government. Judgment (1898) In re Li Sing, 86 F., 896; C. C. A., 451; 38 U. S., Ap. 1, affirmed.—(In re Li Sing *v.* United States, 21 S. Ct., 449; 180 U. S., 486; 45 L. Ed., 634.)

[U. S. D. C., N. Y., 1903.]

4 The burden of proof rests upon a Chinese person arrested for deportation, as being unlawfully within the United States, to sustain his right to remain, although based on a claim of citizenship, or, in case he is ordered deported, to sustain his claim of right to be removed to a country other than China, on the ground that he is a subject or citizen of such country.—(United States *v.* Sing Lee, 125 F., 627; Same *v.* Hay Foon, id.)

[U. S. C. C. A., N. Y., 1900.]

5 In a proceeding for the deportation of a Chinese person charged with having unlawfully entered the United States, it is error to admit any evidence of the right of the defendant to enter, except the certificate issued by his Government, which is made by statute the sole evidence of such right. Decree (1899), 94 F., 824, reversed.—(United States *v.* Pin Kwan, 100 F., 609; 40 C. C. A., 618.)

[U. S. C. C. A., N. Y., 1904.]

6 Where a witness to the citizenship of an alleged Chinese alien was not impeached or discredited, but was clear and straightforward,

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and no criticism was made with regard to the same by the commissioner, and the alleged alien was not requested to be sworn in his own behalf, his failure to offer himself as a witness was not a sufficient reason for ordering him deported.—(Ark Foo *v.* United States, 128 F., 697; 63 C. C. A., 249. Hoo Fong *v.* Same, id. Jung Man *v.* Same, id.)

[U. S. C. C. A., Ohio, 1904.]

A proceeding for the deportation of a Chinese person under the exclusion acts is civil, and not criminal, in its nature, and the constitutional provisions which safeguard the rights of persons accused of crime do not apply therein. Admissions or statements of a defendant voluntarily made to the officers by whom he is arrested in answer to questions put by them either before or after his arrest are admissible in evidence against him, and the Government has the right to call and examine him as a witness. Judgment (D. C., 1903), 126 F., 400, reversed.—(United States *v.* Hung Chang, 134 F., 19; 67 C. C. A., 93.) 1

Under Chinese exclusion act, May 5, 1892, ch. 60, sec. 3, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), providing that any Chinese person or person of Chinese descent arrested under the provisions of the act shall be adjudged to be unlawfully within the United States unless such person shall establish by affirmative proof to the satisfaction of the justice, judge, or commissioner of his lawful right to remain in the United States, the burden of proving that a person arrested as a Chinese alien is not entitled to enter as a Chinese person or a person of Chinese descent is on the United States.—(D. C., 1903, United States *v.* Hung Chang, 126 F., 400, judgment reversed. 1904, 134 F., 19; 67 C. C. A., 93.) 2

In a proceeding for the deportation of a Chinese person under Chinese exclusion act, September 13, 1888, ch. 1015, sec. 13, 25 Stat., 479 (U. S. Comp. St., 1901, p. 1317), as affected by act of May 5, 1892, ch. 60, sec. 3, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), two questions are put in issue by defendant's plea of not guilty: First, whether or not he is a Chinese person or person of Chinese descent; and, second, if so, whether he is entitled to be and remain in the United States—the burden of proof on the latter issue being on the defendant. Upon either issue proof to the satisfaction of the commissioner or the court is all that is required, and upon the issue as to race the appearance of defendant, his color, manner of wearing his hair, his dress, and language may properly be taken into consideration by the commissioner or court; and inspectors and interpreters employed by the Government in the enforcement of the exclusion laws, who state their ability from practical experience to identify persons of the Chinese race from such characteristics, are competent to testify upon such issue, although they may have no theoretical knowledge of the science of ethnology.—(Judgment (D. C., 1903), 126 F., 400, reversed. United States *v.* Hung Chang, 134 F., 19; 67 C. C. A., 93.) 3

Where a witness had not read anything on the subject of racial distinctions, and his only experience with regard thereto was acquired in his position as Chinese inspector in charge, since 1902, the duties 4

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of which office consisted largely in directing subordinates, he was not competent to testify as an expert, that accused was a Chinese person within the United States exclusion acts, though he had observed those whom he considered to be Chinese persons, and had been called on, as a part of his duties, to decide whether a person was a Chinese person or not.—(D. C., 1903, United States *v.* Hung Chang, 126 F., 400, judgment reversed. 1904, 134 F., 19; 67 C. C. A., 93.)

1 A witness whose only information as to the racial characteristics of a Chinese person was derived from the reading of an unknown article in McClure's Magazine and from the perusal of letters of a certain author of journals, together with his experience of three months as a government Chinese inspector, and from association with friends whom he designated as Chinese, was insufficient to entitle him to testify as an expert as to whether an accused was a Chinese person within the Chinese exclusion acts.—(D. C., 1903, United States *v.* Hung Chang, 126 F., 400, judgment reversed. 1904, 134 F., 19; 67 C. C. A., 93.)

2 Where a witness on cross-examination admitted that his only means of judgment between a Chinaman, a Japanese person, or Korean was the method of arranging the hair and the language spoken, and that, if the queue was eliminated, and he did not hear the man speak, he could not tell a Chinaman from a Japanese or Korean, he was not entitled to testify as an expert as to whether accused, charged with violating the Chinese exclusion acts, was in fact a Chinese person.—(D. C., 1903, United States *v.* Hung Chang, 126 F., 400, judgment reversed; 134 F., 19; 67 C. C. A., 93.)

3 Whether a person arrested for violating the Chinese exclusion act is a Chinese person should be proved by persons who have made a study of racial characteristics, so as to be capable of giving expert opinions with reference to the race of the accused.—(D. C., 1903, United States *v.* Hung Chang, 126 F. 400; judgment reversed (1904), 134 F. 19; 67 C. C. A. 93.

4 A proceeding for the deportation of a Chinese person under the exclusion acts is civil, and not criminal, in its nature, and the constitutional provisions which safeguard the rights of persons accused of crime do not apply therein. Admissions or statements of a defendant, voluntarily made to the officers by whom he is arrested, in answer to questions put by them either before or after his arrest, are admissible in evidence against him, and the Government has the right to call and examine him as a witness. Judgment (D. C., 1903), 126 F., 400, reversed.—(United States *v.* Hung Chang, 134 F., 19; 67 C. C. A., 93.)

5 In a proceeding to exclude an alleged Chinese person from the United States, statements made by him, while in jail, to the officer who arrested him, without any admonition that what he might say would be used against him, and tending to show him to be a Chinese person, were inadmissible against him.—(D. C., 1903, United States *v.* Hung Chang, 126 F., 400; reversed, 134 F., 19; 67 C. C. A., 93.)

6 In a proceeding for the exclusion of an alleged Chinese person the district attorney was not entitled to compel the accused to take the

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stand and submit to an examination, or to answer the question as to whether or not he was a Chinese person, accused not being required to testify against himself.—(D. C., 1903, United States *v.* Hung Chang, 126 F., 400; judgment reversed, 134 F. 19; 67 C. C. A., 93.)

Statements made by an alleged Chinese alien that he was born in China, that his parents and grandparents were Chinese persons, were mere expressions of opinion, and unavailable as proof of nationality against him.—(D. C., 1903, United States *v.* Hung Chang, 126 F. 400; judgment reversed (1904), 134 F., 19; 67 C. C. A., 93.) 1

[U. S. C. C. A., Ohio, 1904.]

Evidence before a commissioner in a proceeding for deportation considered, and *held* sufficient to sustain his finding that defendant was a Chinese person, and to warrant his order for deportation, in the absence of any evidence of defendant's right to remain in the United States. Judgment (D. C., 1903), 126 F., 400, reversed.—(United States *v.* Hung Chang, 134 F., 19; 67 C. C. A., 93.) 2

[U. S. C. C. A., Wash., 1902.]

A judgment for the deportation of a Chinese laborer found without a certificate of registration provided for by act of May 5, 1892, ch. 60, sec. 6, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), unless he establish to the satisfaction of the court by credible witnesses that he was a resident of the United States at the date of the act will not be disturbed, though there was undisputed testimony of a white person that he came to P. in 1893; that while there he saw the Chinaman at a store, and— 3

he worked in a store there, and I think he was interested. I think he was a partner. * * * I saw several Chinamen. I used to sit around there a good deal, and there was a dozen or more, and there seemed to be three or four or five of them working as partners, I suppose. I understood they were partners together. It was a kind of family affair.—

(Quong Sue *v.* United States, 116 F., 316; 54 C. C. A., 652.)

[U. S. D. C., Ga., 1904.]

Defendant was a Chinese person of reputable character, who had resided in this country for nineteen years, and was the proprietor of two laundries, which he conducted. If he labored himself, it was only incidentally. He testified that he entered the country on proper papers, which he had lost, and that he applied to a lawyer to obtain a duplicate certificate, and did obtain a paper which he supposed to be one, and which he produced, but it was in fact worthless. *Held*, that the evidence was not sufficient to show that he was a laborer, and that his evident good faith, and the fact that he had remained in the country so long without being molested, raised a presumption that he was entitled to remain.—(United States *v.* Kol Lee, 132 F., 136.) 4

[U. S. D. C., Vt., 1903.]

Under act of Congress of February 14, 1903, ch. 552, sec. 7, 32 Stat., 828 (U. S. Comp. St. Supp., 1903, p. 46), placing jurisdiction of the 5

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admission of aliens in the Department of Commerce and Labor, such department had authority to prescribe rules of evidence relating to presumptions and burden of proof in the determination of an alien's right to admission.—(In re Moy Quong Shing, 125 F., 641.)

[U. S. D. C., Vt., 1899.]

1 On an issue as to the citizenship of a person of the Chinese race arrested as a Chinese laborer unlawfully within the United States, the testimony of the defendant that he was born in this country is entitled to be considered and weighed by the same rules applicable to all other testimony, although, if untrue, it would be impossible to contradict it.—(United States *v.* Yee Mun Sang, 93 F., 365.)

[U. S. D. C., Mont., 1904.]

2 Evidence offered in behalf of a Chinese person arrested as being unlawfully in the United States, to establish his claim that he was born in this country, considered, and *held* insufficient to sustain the burden resting upon him on the issue, in view of a previous statement made and signed by him after his arrest that he was born in China.—(United States *v.* Wong Du Bow, 133 F., 326.)

3 In Chinese deportation proceedings the fact that accused was in the United States and engaged in business as a merchant at the time of the passage of the act of Congress of May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), providing for the registration of Chinese laborers, may be established by Chinese witnesses.—(United States *v.* Louie Juen, 128 F., 522.)

4 Evidence in Chinese deportation proceedings *held* to establish that defendant was a resident of the State of Montana, and engaged in business there as a merchant, prior to the passage of act of Congress of May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), and was therefore not subject to deportation.—(United States *v.* Louie Juen, 128 F., 522.)

[U. S. C. C. A., Oreg., 1906.]

5 Chinese testimony to the effect that defendants, arrested for deportation, were born in the United States, or that they are merchants, is sufficiently corroborated by the testimony of credible white witnesses, in the one case, that they have seen and known defendants since they were young as the children of Chinamen resident in this country, or, in the second case, that defendants were for years employed in stores as merchants, and reputed to be partners therein.—(D. C., 1905, United States *v.* Lee Wing, 136 F., 701; Same *v.* Louie You, id.; Same *v.* Louie Hang, id.; Same *v.* Lee Yin, id.: Same *v.* Lee Joe Yen, id.; Same *v.* Chin Hing, id.; Same *v.* Chang Kow, id.; Same *v.* Lee Won Jeong, id. Judgment affirmed (1906): Lee Won Jeong *v.* United States, 145 F., 512; 76 C. C. A., 190. Lee Joe Yen *v.* Same, 148 F., 682; 78 C. C. A., 427.)

[U. S. D. C., Oreg., 1899.]

6 The uncorroborated testimony of Chinese witnesses will not be accepted as sufficient to identify a Chinese person claiming the right

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to enter the United States on the ground that he was born in this country wherein it is admitted that he left it when 3 years old and has remained away for sixteen years.—(In re Louie You, 97 F., 580.)

[U. S. C. C. A., Oreg., 1906.]

Where a judgment for the deportation of a Chinese person recited that it appeared to the court that accused was a Chinese laborer and a subject of the Emperor of China; that he was not registered as required by act of Congress approved May 5, 1892, ch. 60, sec. 6, 27 Stat., 25, and act of Congress November 3, 1893, ch. 14, sec. 1, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1320); and that he did not belong to one of the classes of Chinese excepted by said acts from such registration, and was unlawfully within the United States, it was not objectionable for failure to state sufficient facts to sustain it. Judgment, United States *v.* Lee Wing; Same *v.* Louie You; Same *v.* Louie Hang; Same *v.* Lee Yin; Same *v.* Lee Joe Yen; Same *v.* Chin Hing; Same *v.* Chang Kow; Same *v.* Lee Won Jeong (D. C., 1905), 136 F., 701, affirmed.—(Lee Won Jeong *v.* United States, 145 F., 512; 76 C. C. A., 190.) 1

[U. S. D. C., Oreg., 1901.]

Act of Congress, November 3, 1893, ch. 14 (28 Stat., 7), amending act of Congress, May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), declares it the duty of all Chinese laborers in the United States entitled to remain here before passage of the act of 1892 to apply within six months for a certificate of residence, and that any neglecting to comply with the provisions of the act and of the act of 1892, or who after expiration of the six months shall be without such certificate of residence, shall be deemed to be unlawfully within the United States— 2

Provided, That no Chinese person * * * convicted * * * of a felony shall be permitted to register under the provisions of this act; but all such persons who are now subject to deportation for failure * * * to comply with the act to which this is an amendment shall be deported.

Held, that a Chinese laborer having a certificate of residence under the act of 1892 is entitled to remain in the country, though he has no certificate under the later act.—(United States *v.* Jung Jow Tow, 110 F., 154.)

[U. S. C. C. A., Oreg., 1900.]

The requirement that the mercantile character of a Chinese person prior to his departure for China must be established by two witnesses on his application for reentry is special, and does not apply to other issues, such as the American nativity of the Chinaman, which are to be determined by the ordinary rules of evidence.—(United States *v.* Lee Seick, 100 F., 398; 40 C. C. A., 448.) 3

[U. S. C. C. A., Oreg., 1899.]

A Chinese person who obtains entry into the United States without the certificate from the Chinese Government showing him to be a member of the class privileged to enter, which is required by the acts of Congress, can not establish his right to remain when arrested, 4

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under the act of May 5, 1892, as a Chinese laborer within the United States without the certificate of residence required by law, by proof that since his entry he has not been a laborer, but has followed the occupation of a member of the privileged class.—(United States *v.* Chu Chee, 93 F., 797; 35 C. C. A., 613.)

1 A certificate of a consul of the United States in China, not indorsed on one from the Chinese Government, is not evidence tending to establish the right of a Chinese person to entry into the United States.—(United States *v.* Chu Chee, 93 F., 797; 35 C. C. A., 613.)

[U. S. D. C., Oreg., 1898.]

2 While, in all cases of entering the United States, and in case of laborers within the country when the act requiring registration was passed, the official certificate is indispensable and the sole evidence of the right to enter or remain, in all other cases the status of the person at the time the inquiry is made may be shown by any affirmative proof satisfactory to the judge, justice, or commissioner before whom he is taken.—(United States *v.* Chu Chee, 87 F., 312.)

[U. S. D. C., Tex., 1899.]

3 A certificate of residence issued to a Chinese person under the act of May 5, 1892, as amended by the act of November 3, 1893 (28 Stat., 7), providing that "any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate for evidence of such right, may apply for and receive the same without charge," is prima facie evidence of the right of the holder to remain in the country, of which he can only be deprived by the courts upon clear proof that he has committed some act which would work its forfeiture.—(Jew Sing *v.* United States, 97 F., 582.)

[U. S. D. C., Vt., 1899.]

4 In proceedings for the deportation of Chinese persons whose right to remain in this country rests solely on a claim that they were born in the United States, the testimony of their alleged father, shown by other Chinese witnesses to be inconsistent with previous statements made by him, which statements he denied having made, is not alone sufficient to establish such claim to citizenship.—(United States *v.* Lee Pon, 94 F., 827.)

[U. S. D. C., Vt., 1900.]

5 Unimpeached and uncontradicted testimony that a person of the Chinese race, seeking to enter the United States from China, was born in this country, when direct, positive, and circumstantial, can not be disregarded, and must be held to overcome the presumption of his Chinese nativity.—(United States *v.* Jue Wy, 103 F., 795.)

[U. S. D. C., Mo., 1897.]

6 To make the certificate of identity of a Chinese person, required by act of July 5, 1884, section 6 (23 Stat., 115), prima facie evidence of the holder's right to come into this country as a merchant, it must conform strictly to the requirements of the statute as to its contents,

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so as not to permit of evasion or deception.—(United States *v.* Yong Yew, 83 F., 832.)

Even if the certificate of identity of a "merchant" of China is in due form, he may enter this country only for the purpose of prosecuting his business as a merchant here; and if, upon his arrival, he immediately proceeds to and continues in employment as a laborer, such fact has strong retroactive bearing as evidence of the intent with which he came here.—(United States *v.* Yong Yew, 83 F., 832.) 1

[U. S. D. C., Mo., 1904.]

Neither the Chinese exclusion act of November 3, 1893, ch. 14. sec. 1, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1320), nor act of May 5, 1892, ch. 60, sec. 6, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), to which it was an amendment, requiring all "Chinese laborers" then within the United States to register applied to Chinese merchants; nor do they authorize the deportation of a Chinese person who was then lawfully in this country in business as a merchant, and who continued in such business until after the time for registration had expired, because he subsequently became a laborer on his failure in business, and is not provided with a certificate of registration under said acts.—(United States *v.* Leo Won Tong, 132 F., 190.) 2

[U. S. C. C. A., Hawaii T., 1901.]

The provision of section 3 of the Chinese-exclusion act of May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), placing the burden of proof upon a Chinese person or person of Chinese descent, arrested under the provisions of the act, to establish his right to remain in the United States, is within the power of Congress and valid, and, unless such right affirmatively appears from the evidence, it is the duty of the court to order the defendant deported.—(United States *v.* Chun Hoy, 111 F., 899; 50 C. C. A., 57.) 3

Evidence *held* insufficient to sustain the claim of a person of the Chinese race, arrested for being unlawfully within the Territory of Hawaii, that he was a native of such islands.—(United States *v.* Chun Hoy, 111 F., 899; 50 C. C. A., 57.) 4

[U. S. D. C., La., 1901.]

Petitioner, a child, applied to the circuit court for a writ of habeas corpus, alleging that she was illegally held by respondent, the collector of the port, who was about to deport her to Italy. She claimed rights of citizenship on the ground that her father and mother were residents of the United States, and her father, before sending for her, had taken out his first citizenship papers. Respondent in his answer alleged that petitioner was an alien immigrant and that it was his duty to deport her, under act of March 3, 1891, ch. 551, 26 Stat., 1084, 1 Supp. Rev. Stats., 2d ed. (U. S. Comp. St., 1901, p. 1294), because it was disclosed, on legal and proper official authority, that she had trachoma, which was "a loathsome or a dangerous contagious disease." Petitioner offered evidence in support of her petition, but no evidence was introduced by respondent. Certain papers were, however, pinned to his answer, and referred to therein as "annexes," 5

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consisting of a copy of his report, giving "the facts and circumstances of the case, and a copy of the telegraphic order from the Commissioner-General of Immigration" directing petitioner's deportation. Such papers were unverified and were not filed or offered in evidence. *Held*, that such papers could not be considered as in evidence, but, even if so considered, while they might be sufficient to justify the action of respondent under the rules of the department, they were not competent evidence in a court of any proceedings which authorized him to hold petitioner for deportation.—(In re Di Simone, 108 F., 942.)

[U. S. D. C., N. Y., 1903.]

1 A deportation decree rendered by the United States commissioner in proceedings instituted before him to determine the status of a Chinese person alleged to have been illegally brought into the United States is relevant and competent evidence of the status of such person, and was sufficient to justify a grand jury in finding an indictment against the defendant for willfully bringing such person into the United States, in violation of Chinese-exclusion act of May 6, 1882, ch. 126, 22 Stat., 61 (U. S. Comp. St., 1901, p. 1307), as amended by act of July 5, 1884, ch. 220, 23 Stat., 117 (U. S. Comp. St., 1901, p. 1310).—(United States *v.* Hills, 124 F., 831.)

[U. S. C. C. A., Cal., 1908.]

2 In a prosecution for attempting to land certain Chinese laborers not entitled to enter the United States, evidence *held* to show a landing, an attempt to land, or the permitting of the landing of the Chinese by the defendant, and to sustain a conviction.—(Gerald *v.* United States, 159 F., 421; 86 C. C. A., 401.)

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PROCEDURE.

1 Under the exclusion acts of 1882 and 1884, when it is impracticable to deport a Chinese person by the vessel on which he came, such vessel having sailed, the court may direct the marshal, to whose custody such Chinese person has been remanded, to cause him to be removed to the country whence he came.—(In re Chin Ah Sooey, 21 F. R., 393, Dist. Ct., Aug. 21, 1884.)

2 The President may, by general or special order, provide for the removal of Chinese found by the courts to be unlawfully here, to the country whence they came.—(In re Chow Goo Pooi, 25 F. R., 77, Cir. Ct., Jan. 26, 1884.)

3 The Chinese-exclusion acts of 1882 and 1884 provided no procedure, and it rested with the President to direct the course to be pursued in removing a Chinese person found to be unlawfully in this country.—(U. S. *v.* Long Hop, 55 F. R., 58, Dist. Ct., Feb. 8, 1892.)

4 Detention or temporary confinement, as part of the means necessary to give effect to the expulsion of Chinese aliens, is valid; but when Congress sees fit to further promote the exclusion policy by subjecting the persons of such aliens to infamous punishment at hard labor, or by confiscating their property, such legislation, to be valid, must provide for a judicial trial to establish the guilt of the accused.—(Wong Wing *v.* U. S., 163 U. S., 228, Sup. Ct., May 18, 1896.)

5 Chinese persons may not be imprisoned indefinitely pending execution of deportation, and in such cases court will order release until provision is made for deportation.—(In re Ny Look,, 56 F. R., 81; Cir. Ct., May 26, 1893.)

6 So much of the act of May 5, 1892, section 4, as provides for the imprisonment at hard labor of all Chinese persons adjudged by a commissioner to be unlawfully in the United States, is void, under the Constitution of the United States, Article III, section 2, paragraph 3, and amendments 5 and 6, securing the right of trial by jury and other rights to persons criminally prosecuted by the United States.—(United States *v.* Wong Dep Ken., 57 F. R., 206, Dist. Ct., July 31, 1893.)

7 Congress having appropriated funds for the enforcement of the act of May 5, 1892, a district judge should take judicial cognizance that there are funds for the enforcement of any or all of the sections of such act, and should order the deportation of a Chinaman who has not procured a certificate of residence, as required by section 6 of the said act, although the Attorney-General has informed such judge that there are no funds available with which to provide for the deportation of such persons.—(U. S. *v.* Chum Shang Yuen, 57 F. R., 588, Dist. Ct., Sept. 5, 1893.)

8 It is enough if the order of deportation shows that the person to be deported has been adjudged to be unlawfully within the United States, without a finding as to where he came from, as the specification

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of the country to which he is to be deported concludes any inquiry on that point.—(In re Tsu Tse Mee, 81 F. R., 562, Dist. Ct., May 10, 1897.)

1 The order of deportation need not explicitly refer to the specific act of Congress under which the person to be deported is adjudged to be unlawfully in the United States.—(Ibid.)

[U. S. C. C. A., Ind., 1899.]

2 Act of February 26, 1885 (23 Stat., ch. 164), which makes it unlawful to assist the importation or migration of any alien or foreigner under any contract or agreement "to perform labor or service of any kind," was intended to prohibit the importation of foreigners under contract to perform unskilled manual labor, and, being highly penal in its provisions, is to be confined in its construction and application to the effecting of such purpose. An individual agreement to employ a foreigner, resident in another country, as a draper, window dresser, and dry-goods clerk in a store in the United States and as a part of his compensation to refund him the cost of his passage to this country is not within the spirit of the statute and does not subject the employer to the penalty thereby imposed.—(United States *v.* Gay 95 F., 226; 37 C. C. A., 46.)

[U. S. D. C., Tex., 1903.]

3 An appeal by the United States does not lie by an order of a commissioner discharging a Chinese person arrested for being unlawfully in this country. Section 13, act of September 13, 1888, 25 Stat., 479, ch. 1015 (U. S. Comp. St., 1901, p. 1317), which expressly gives the right of appeal to the defendant in case of conviction, by implication limits such right to him.—(United States *v.* Mar Ying Yuen, 123 F., 159.)

[U. S. D. C., Tex., 1899.]

4 Under act of July 5, 1884, sections 6, 12 (23 Stat., 116, 117), which require Chinese persons other than laborers desiring to enter the United States and not domiciled therein to procure a certificate from the Chinese authorities, viséed by the consular representative of the United States, and makes such certificate the only evidence receivable to establish the right of such persons to enter, a Chinese person erroneously permitted to enter without such certificate is unlawfully within the United States, and may be arrested and deported without regard to his occupation since his entry; and in such case the action of the customs official in permitting his entry is not even prima facie evidence of his right to remain.—(Mar Bing Guey *v.* United States, 97 F., 576.)

[U. S. D. C., N. Y., 1908.]

5 Where the United States seeks to deport a Chinese person found therein the burden is on it to show that he is not a citizen and not of the exempt class; but the burden is met by showing that he is a Chinese person and not of the exempt class, and the rebuttable presumption then arises that he was not born in the United States and is not entitled to remain.—(Ex parte Loung June, 160 F., 251.)

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Where a Chinese person in applying to an inspector for admission to the United States relied on a commissioner's judgment discharging him on a former charge of having been unlawfully in the United States as conclusively showing his right to be therein, if evidence of annotations on the evidence taken by the commissioner tending to show that such person was discharged because of sickness was competent at all, it should have been given in his presence and that of his counsel before the inspector, since he had the right to controvert it.—(Ex parte Loung June, 160 F., 251.) 1

[U. S. D. C., Wash., 1908.]

Laws which confer judicial discretion upon administrative officers must be construed with a degree of strictness requisite to make them consonant with the spirit of the fundamental doctrines of the Constitution, and the power conferred on the Secretary of Commerce and Labor by the Chinese-exclusion act to finally determine on appeal the right to enter the United States by a person who claims to be a native-born citizen can not be exercised by an acting secretary, in accordance with a recommendation made by himself as a solicitor of the department adverse to the appellant.—(In re Tang Tun, 161 F., 618; In re Gang Gong, id.; In re Can Pon, id.) 2

[U. S. C. C. A., Pa., 1907.]

Congress has plenary power to exclude aliens from entry into the United States, or to provide for their admission subject to such restrictions as it may prescribe; and, where it has given discretionary power to executive officers or agencies to determine the right of entry under such restrictions, the ground of such determination can not be inquired into by the courts in habeas corpus proceedings instituted by an alien who is restrained of his liberty for the purpose of deportation by such officers. The question, however, whether the law does vest such officers with power of final decision is necessarily one for judicial inquiry, and an alien given by the law a right of appeal may invoke the powers of a court for the enforcement of such right.—(Rodgers *v.* United States, 157 F., 381.) 3

The policy of the legislation in respect to exclusion and expulsion of Chinese is opposed to numerous appeals; and where a Chinese laborer has evaded the executive jurisdiction on the frontier and gained access to the country he should not be considered entitled to demand repeated rehearings on the facts.—(Chin Bak Kan *v.* United States, Chin Ying *v.* United States, 186 U. S., 193; Sup. Ct., June 2, 1902.) 4

The words "court" and "judge" have frequently been used interchangeably in Federal statutes, and the Supreme Court adheres to the construction it has heretofore recognized as correct, and which has been adopted generally in practice and in congressional legislation, that the appeal from a United States commissioner provided for in section 13 of the Chinese-exclusion act of September 13, 1888, is an appeal to the district court, and should so be regarded.—(The United States, petitioner, 194 U. S., 194, Sup. Ct., May 2, 1904; reversing Chow Low *v.* U. S., 112 F. R., 354; C. C. A., Nov. 23, 1901.) 5

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1 The phrase "district judge of the district," as employed in section 13 of the act of September 13, 1888, is equivalent to "district court of the district," and a writ of error will lie from a circuit court of appeals to the judgment thereof.—(In re U. S. *v.* Gee Lee, 50 F. R., 271, C. C. A., Apr. 18, 1892; followed, but doubted, In re Chow Low, 110 F. R., 952, Cirt. Ct., Sept. 2, 1901.)

2 The right of appeal to a district court given by act of September 13, 1888, section 13, to a Chinese person adjudged by a United States commissioner to be unlawfully within the United States, is not taken away by the act of May 5, 1892, section 3.—(U. S. *v.* Wong Dep Ken, 57 F. R., 203; Dist. Ct., June 30, 1893.)

3 A judgment of conviction and deportation of a Chinese person by a United States commissioner who has obtained jurisdiction, is conclusive on the question of the right of such person to remain in the United States, subject to appeal to the district judge of the district, as provided by section 13 of the act of September 13, 1888.—(In re Tsu Tse Mee, 81 F. R., 702, Dist. Ct., July 9, 1897; In re Gut Lun, 83 F. R., 141; Dist. Ct., Nov. 1, 1897.)

4 A district judge, while sitting in his own district, can not allow an appeal from a court of another district.—(United States *v.* Moy Yee Tai et al., 109 F. R., 1; C. C. A., May 9, 1901.)

5 A circuit court of appeal can not set aside or modify an order of a district court, except upon appeal or writ of error therefrom.—(Ibid.)

6 Section 13 of the act of September 13, 1888, which expressly gives the right of appeal to a Chinese person from a decision rendered by a United States commissioner, by implication denies such right to the Government.—(U. S. *v.* Mar Ying Yuen, 123 F. R., 159; Dist. Ct., May 16, 1903.)

7 An application for a new trial, after an order of deportation has been entered against a Chinese person for being unlawfully in the United States, must be made to the commissioner by whom judgment was rendered; and where a motion for a new trial in Chinese deportation proceedings is denied by the commissioner before whom the proceedings were had, appeal from such denial lies to the United States district court.—(U. S. *v.* Ng. Young, 126 F. R., 425; Dist. Ct., Dec. 18, 1903.)

8 Under section 6 of the act approved March 3, 1891, creating circuit courts of appeal, an appeal lies to such court from the judgment of a district court on an appeal from a decision rendered by a United States commissioner ordering deportation of a Chinese person under section 13 of the act of September 13, 1888.—(Tsoi Yii *v.* U. S., 129 F. R., 585; C. C. A., Apr. 4, 1904.)

9 An appeal is the proper proceeding for the review by a circuit court of appeals of a judgment of a district court rendered on appeal from an order of a commissioner for the deportation of a Chinese person arrested under section 13 of the act of September 13, 1888.—(U. S. *v.* Hung Chang, 134 F. R., 19; C. C. A., Dec. 1, 1904.)

10 A Chinese person ordered deported by a commissioner may appeal to the district judge as a matter of right, and, in the absence of a rule of court requiring it, an order of the judge allowing the appeal is unnecessary; the service of notice of appeal on the commissioner and the district attorney and the filing of such notice with the clerk

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being sufficient. An order of the judge, however, is necessary to stay the execution of the commissioner's order of deportation pending the appeal.—(U. S. *v.* Loy Too, 147 F. R., 750; Dist. Ct., Sept. 28, 1906.)

Under the act of Congress of September 13, 1888, section 13, a notice of appeal served thirteen days after the rendition of a decision by the commissioner, is without force and gives the appellate court no jurisdiction of the case.—(U. S. *v.* See Ho How, 100 F. R., 730; Dist. Ct., Apr. 6, 1900.) 1

The mere appearance of an attorney and giving notice of appeal do not constitute an appeal under section 13 of the act of September 13, 1888.—(In re Chow Low, 110 F. R., 952; Dist. Ct., Sept. 2, 1901.) 2

Under section 13 of the act of September 13, 1888, oral notice of appeal given to the commissioner within ten days after the handing down of his decision, and entered of record, is sufficient without presentation of the matter to the judge of the appellate court within the ten days prescribed.—(Chow Low *v.* U. S., 112 F. R., 354; C. C. A., Nov. 23, 1901.) 3

It is within the discretion of a district judge to whom appeal is taken under section 13 of the act of September 13, 1888, to determine when delay in bringing such appeal before him for hearing amounts to an abandonment thereof.—(Ibid.) 4

Where a Chinese laborer appealed from the decision of a commissioner, upon testimony taken without objection, taking no exception to the facts, *held* that the court had jurisdiction upon an implied agreement of facts.—(In re Chin Ark Wing, 115 F. R, 412; Dist. Ct., May 12, 1902.) 5

An application for a new trial, after an order of deportation has been entered against a Chinese person for being unlawfully in the United States, must be made to the commissioner by whom judgment was rendered; and where a motion for a new trial in Chinese deportation proceedings is denied by the commissioner before whom the proceedings were had, appeal from such denial lies to the United States district court.—(U. S. *v.* Ng. Young, 126 F. R., 425; Dist. Ct., Dec. 18, 1903.) 6

The circuit courts of appeal have no jurisdiction under the act of March 3, 1891, providing for such courts, to review an order of a district judge in Chinese deportation proceedings where said judge has erroneously treated the case as being on trial before him and not as before the district court, for which reason there was no transcript of proceedings, exceptions, etc., certified by the clerk of the district court.—(U. S. *v.* Hung Chang, 130 F. R., 439, C. C. A., May 21, 1904.) 7

Where, in deportation proceedings, an appellant fails to enter his appeal and file the transcript on or before the return day of the citation, as required by rule 16 of the circuit court of appeals, the appellee is entitled on petition to have the case docketed and dismissed.—(Wong Sang *v.* United States, Wong Den *v.* Same, 144 F. R., 968; C. C. A., Jan. 12, 1906.) 8

A Chinese person ordered deported by a commissioner may appeal to the district judge as a matter of right, and, in the absence of a rule of court requiring it, an order of the judge allowing the appeal is unnecessary, the service of notice of appeal on the commissioner and the district attorney and the filing of such notice with the clerk 9

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being sufficient. An order of the judge, however, is necessary to stay the execution of the commissioner's order of deportation pending the appeal.—(United States *v.* Loy Too, 147 F. R., 750, Dist. Ct., Sept. 28, 1906.)

1 As the acts of May 5, 1892, and November 3, 1893, require that a Chinaman charged with being unlawfully in the United States shall prove affirmatively to the satisfaction of a commissioner his right to reside in this country, a district court on appeal will not set aside the decision of the commissioner when adverse to the Chinese person unless it is clearly against the weight of evidence.—(U. S. *v.* Chung Fung Sun et al., 63 F. R., 261, D. C., Oct. 3, 1894; U. S. *v.* Leung Sam et al., 114 F. R., 702 Dist. Ct., Mar. 13, 1902; Mar Sing *v.* U. S., 137 F. R., 875, C. C. A., May 1, 1905.)

2 Where a Chinese person, arrested under section 13 of the act of September 13, 1888, was ordered deported by a commissioner and appealed to the district court where the case was heard de novo, and was discharged by such court, the Government can not for the first time on a writ of error in the circuit court of appeals raise the objection that the record filed on appeal was insufficient to give the district court jurisdiction.—(U. S. *v.* Lee Seick, 100 F. R., 398, C. C. A., Feb. 5, 1900.)

3 It is not reversible error for a court to refuse to permit a party to introduce evidence of the general good character of his own witnesses, who are Chinese persons, where there has been no attempt to impeach their character.—(Woey Ho *v.* U. S., 109 F. R., 888, C. C. A., May 13, 1901.)

4 The question of the credibility of witnesses must ordinarily rest with the trial court, which is necessarily invested with a large discretion in that matter; and the fact that a court in habeas corpus proceeding for the discharge of a Chinese person held for deportation refuses to accept and act upon the testimony of Chinese witnesses, though uncontradicted and though the witnesses are not impeached, is not in itself ground for reversal.—(Ibid.)

5 On appeal to a United States district court from an order of a commissioner expelling a Chinese alien, the hearing is de novo. Reversed, sec. 134, F. R., 19 and 194 U. S., 194.—(United States *v.* Hung Chang, 126 F. R., 400, Dist. Ct., Dec. 17, 1903.)

6 A decision of a United States commissioner rejecting evidence of citizenship of a Chinese person, in deportation proceedings, upon the ground that he did not believe the testimony that the defendant was only 29 years old, which decision was affirmed by the district court, will not be disturbed in the absence from the record of anything to show that the commissioner's conclusions as to the age of the defendant was incorrect.—(Ark Foo et al. *v.* U. S., 128 F. R., 697, C. C. A., Feb. 23, 1904.)

7 It is not reversible error for a district court on appeal from a commissioner's order of deportation of a Chinaman for failure to show by affirmative proof the reasons for failure to procure a certificate of residence prescribed by section 3 of the act of May 5, 1892, to exclude evidence additional to that taken by the commissioner on the original trial.—(Yee Yuen *v.* U. S., 133 F. R., 222, C. C. A., Oct. 3, 1904.)

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The judgment of a district court affirming an order of a commissioner for the deportation of a Chinese person against his claim that he was born in the United States, which was supported by the testimony of himself and two other Chinese witnesses, but was contradicted by a prior admission of defendant, *Held*, not reversible for error.—(Chew Hing *v.* U. S., 133 F. R., 227, C. C. A., Oct. 3, 1904.) 1

Where a judgment for the deportation of a Chinese person recited that it appeared to the court that accused was a Chinese laborer and a subject of the Emperor of China; that he was not registered as required by the acts of May 5, 1892, and November 3, 1893, and that he did not belong to one of the classes of Chinese excepted by said acts from such registration, and was unlawfully within the United States, such judgment was not objectionable on the ground of failure to state sufficient facts to sustain it.—(Lee Won Jeong *v.* U. S., 145 F. R., 512, C. C. A., May 14, 1906.) 2

Where the evidence printed in the record was not embodied in a bill of exceptions or otherwise authenticated as having been used before the trial court, assignments of error based on the evidence could not be reviewed.—(Ibid.) 3

In Chinese-deportation proceedings an omission to make findings in the trial court will not be considered in the appellate court when no request for the making of findings was submitted to the trial court.—(Lee Joe Yen *v.* U. S., 148 F. R., 682, C. C. A., Oct. 1, 1906.) 4

An appeal by a Chinese person, taken under section 13 of the act of September 13, 1888, to a judge of a district court, from the judgment of a commissioner, does not vacate but merely suspends the judgment of the commissioner and proceedings thereunder until the appeal is dismissed. In case an appeal is taken to a higher tribunal the original judgment stands in suspense until the appellate court, by a judgment of its own, shall supersede it.—(22 Ops. Attys. Gen., 340, Feb. 11, 1899.) 5

A circuit court of appeal can not set aside or modify an order of a district court except upon appeal or writ of error therefrom, and therefore it can not, on motion, set aside an order of a district judge admitting defendants to bail pending proceedings for review.—(United States *v.* Moy Yee Tai et al., 109 F. R., 1, C. C. A., May 9, 1901.) 6

A proceeding for the deportation of a Chinese alien under the exclusion act is not criminal in its nature so as to entitle such alien to bail, as a person accused of crime, pending appeal from a commissioner's order of deportation; such order is sui generis, and the district judge has inherent power to admit the alien to bail pending the appeal.—(In re Ah Tai, 125 F. R., 795, Dist. Ct., Nov. 16, 1903; see also in re Ny Look (C. C.), 56 F. R., 81.) 7

Section 2 of the act of November 3, 1893, providing that Chinese shall not be admitted to bail, applies only in those cases where the order of deportation is final, and does not prevent the admission of such persons to bail pending an appeal from such order.—(Ibid.) 8

[U. S. D. C., La., 1901.]

The finality and conclusiveness of a decision of immigration officers refusing a person entry into the United States and ordering his deportation depend upon the jurisdictional question whether such 9

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person is in law and fact an alien immigrant; and, where he claims a status of citizenship under the naturalization laws of the United States the courts have jurisdiction to determine such claim, notwithstanding its adverse determination by the executive officers of the Government.—(In re Di Simone, 108 F., 942.)

[U. S. Sup., Wash., 1903.]

1 Executive officers of the United States Government were not invested by the provisions of act of October 19, 1888, 25 Stat., 566, ch. 1210 (U. S. Comp. St., 1901, p. 1294), and act of March 3, 1891, 26 Stat., 1085, ch. 531 (U. S. Comp. St., 1901, p. 1294), for the deportation of aliens of excluded classes within a year after their illegal entry, with the power arbitrarily to deport an alien who has entered the country and has become subject in all respects to its jurisdiction and a part of its population, without giving him an opportunity to be heard upon the question involving his right to be and remain in the United States.—(Kaoru Yamataya *v.* Fisher, 23 Sup. Ct., 611; 189 U. S., 86; 47 L. Ed., 721.)

2 Federal courts will not intervene by habeas corpus to prevent the deportation by the executive officers of the Government, under the authority of act of October 19, 1888, 25 Stat., 566, ch. 1210 (U. S. Comp. St., 1901, p. 1294), and act of March 3, 1891, 26 Stat., 1085, ch. 551 (U. S. Comp. St., 1901, p. 1294), of an alien found to be one of the excluded class, where such alien had notice, though not a formal one, of the investigation instituted for the purpose of ascertaining whether she was legally in the United States, and was not denied an opportunity to be heard, although she pleads a want of knowledge of the English language, preventing her from understanding the nature and import of the questions propounded to her, and that the investigation made was a "pretended" one, and that she did not at the time know that it had reference to her deportation.—(Kaoru Yamataya *v.* Fisher, 23 Sup. Ct., 611; 189 U. S., 86; 47 L. Ed., 721.)

[U. S. C. C. A., Wash., 1900.]

3 Under section 11 of act of March 3, 1891 (26 Stat., ch. 551), amendatory of "the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor," which provides that any alien who shall come into the United States in violation of law may be returned, "as by law provided," at any time within one year thereafter, and that any alien who becomes a public charge within one year after his arrival, from causes existing prior to his landing, "shall be deemed to have come in violation of law and shall be returned as aforesaid," the Secretary of the Treasury has the authority to cause the arrest and deportation of such an immigrant; the phrase, "as by law provided," having reference to the provision of act of October 19, 1888 (25 Stat., 566), which is the only law prescribing a method of procedure for the deportation of aliens after they have been permitted to land. The fact that the decision of the Secretary in such matter is not made conclusive, as in case of decisions denying the right to land, does not affect its validity or force so long as it remains unreversed.—(United States *v.* Yamasaka, 100 F., 404; 40 C. C. A., 454.)

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[U. S. C. C., N. Y., 1897.]

Under the law (28 Stat., 390, ch. 301) providing that the decision of the immigration officers against the admission of an alien shall be final unless reversed on appeal by the Secretary of the Treasury, such decision is not reviewable by the courts, where it is shown that the person excluded is an alien and that the decision was made in the way required by the statute.—(In re Moses, 83 F., 995.) 1

[U. S. C. C., N. Y., 1898.]

A return of the Commissioner of Immigration to a writ of habeas corpus that, upon arrival, relator was detained, and upon special inquiry the inspectors decided that she belonged to a class of aliens excluded by law, "in accordance with department circular," etc., indicate that the inspectors felt themselves constrained to render such decision because of some instructions from the Treasury Department; and hence it is not a bar to inquiry into the facts in such proceeding.—(In re Kornmehl, 87 F., 314.) 2

[U. S. C. C., N. Y., 1901.]

Permission given an immigrant to go on shore temporarily while awaiting the action of the board of special inquiry does not release such immigrant from the obligations of satisfying the board of the right to land, and its adverse determination, where the immigrant is conceded to be an alien, is not reviewable by the courts under act of March 3, 1891, ch. 517, 26 Stat., 826 (U. S. Comp. St., 1901, p. 547).—(In re Gayde, 113 F., 588.) 3

[U. S. C. C., N. Y., 1903.]

Under the immigration act of March 3, 1903 (ch. 1012, 32 Stat., 1214), which provides by section 10 that the decision of the board of special inquiry, based on the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with a loathsome or with a dangerous contagious disease, as under the prior act of August 18, 1894, ch. 301, 28 Stat., 390 (U. S. Comp. St., 1901, p. 1303), the only jurisdictional fact necessary to the conclusiveness of such decision is the alienage of the immigrant, and when that is shown the decision can not be reviewed by the courts on the question of the existence or character of the disease.—(In re Neuwirth, 123 F., 347.) 4

[U. S. C. C., N. Y., 1904.]

Where a proceeding for the deportation of an alien, as authorized by act of March 3, 1891, ch. 551, 26 Stat., 1084 (U. S. Comp. St., 1901, p. 1294), was not begun by the seizure of the alien within one year next after his last entry into the United States, as required by section 11, 26 Stat., p. 1086 (U. S. Comp. St., 1901, p. 1299), the proceeding was barred.—(In re Russomanno, 128 F., 528.) 5

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[U. S. D. C., N. Y., 1899.]

1 Under appropriation act of August 18, 1894 (28 Stat., 390, ch. 301), providing for the exclusion of aliens, the United States district court has no jurisdiction to review the action of the Secretary of the Treasury confirming the decision of the executive officers excluding aliens domiciled here on their return from a temporary visit abroad.—(In re Giovanna, 93 F., 659.)

[U. S. Sup., N. Y., 1906.]

2 Act of Congress, March 3, 1903, ch. 1012, sec. 21, 32 Stat., 1218 (U. S. Comp. St. Supp., 1903, p. 180), provides that if the Secretary of the Treasury shall be satisfied that an alien has been found in the United States in violation of the act he may cause such alien, within three years after landing, to be taken in custody and deported. Section 24, 32 Stat., 1219 (U. S. Comp. St. Supp., 1903, p. 181), declares that any alien who may appear to the examining immigrant inspector at the port of arrival not to be entitled to land shall be detained for examination by a board of special inquiry. Section 25, 32 Stat., 1220 (U. S. Comp. St. Supp., 1903, p. 182), provides that such board shall consist of three immigrant inspectors selected with the approval of the Secretary of the Treasury, and that the decisions of any two members of the board shall be final, but that the alien or any dissenting member of the board may appeal to the Secretary of the Treasury, whose decision shall be final. *Held*, that a decision of a board of inquiry that an alien was not a contract laborer and was entitled to land was not res adjudicata of such question, and did not prevent the Secretary of Commerce and Labor, on whom the powers formerly vested in the Secretary of the Treasury were conferred by act of Congress, February 14, 1903, ch. 552, 32 Stat., 825 (U. S. Comp. St. Supp., 1903, p. 41), from instituting new proceedings within a year thereafter for a retrial of such question.—(1905, Pearson *v.* Williams, 136 F., 734; 69 C. C. A., 386. Affirmed (1906), 26 Sup. Ct., 608; 202 U. S., 281; 50 L. Ed., 1029.)

[U. S. Sup., N. Y., 1906.]

3 The second hearing before a board of special inquiry, as a result of which a deportation of certain British aliens was ordered, could be directed by the Secretary of Commerce and Labor, acting under the authority conferred upon him by act of March 3, 1903, ch. 1012, sec. 21, 32 Stat., 1218 (U. S. Comp. St. Supp., 1905, p. 284), to deport within three years after landing or entry an alien found to be unlawfully within the United States, although the first decision of the board of inquiry at the time of landing was unanimously in favor of the immigrants, and such decision is, by the express provisions of section 25, declared to be final. Judgment (1905), 136 F., 734; 69 C. C. A., 386, affirmed.—(Pearson *v.* Williams, 26 S. Ct., 608; 202 U. S., 281; 50 L. Ed., 1029.)

[U. S. D. C., Cal., 1899.]

4 Under the act of August 18, 1894 (28 Stat., 390), the decision of the Secretary of the Treasury affirming the action of immigration

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officers in refusing an alien admission to the United States, under a law of Congress, though clearly erroneous, can not be reviewed by the courts.—(In re Ota, 96 F., 487.)

[U. S. C. C. A., Pa., 1907.]

Under the immigration act of March 3, 1903, ch. 1012, 32 Stat., 1213 (U. S. Comp. St. Supp., 1905, p. 274), and rule 7 of the regulations established thereunder by the Secretary of Commerce and Labor, an immigrant who on examination by a board of special inquiry has been denied the right to enter the United States has the right to be informed that he has a right of appeal therefrom, and the fact that he has been so informed must be entered of record in the minutes of the board's proceedings, and the withholding of that right precludes finality in the decision of the board, which may in such cases be reviewed by the courts on a writ of habeas corpus.—(Rodgers *v.* United States, 152 F., 346; 81 C. C. A., 454.) 1

[U. S. C. C. A., Wash., 1908.]

The direction of the Secretary of Commerce and Labor that an alien should be deported on defendant's vessel by which he was brought to the United States was not conclusive on the officers and agents of the vessel, neither of whom had been a party to the proceedings before the Secretary.—(Frank Waterhouse & Co. *v.* United States, 159 F., 876; 87 C. C. A., 56.) 2

[U. S. C. C., Oreg., 1908.]

Where, in proceedings for the deportation of a Japanese alien not entitled to enter the United States, the facts developed at the hearing, at which the alien was represented by counsel, from the alien's own testimony, showed that he was unlawfully within the United States and was subject to deportation, it was no objection to an order of deportation that he was charged with "having entered the United States without inspection" instead of "being unlawfully within the United States."—(Ex parte Hamaguchi, 161 F., 185.) 3

[U. S. C. C., N. Y., 1908.]

The determination of the immigration authorities on all questions of fact affecting the right of an alien to enter or remain in the United States is final, even if made on incompetent or inconclusive evidence, but when the proceedings before them show indisputably that they are acting without jurisdiction relief may be had by writ of habeas corpus.—(Ex parte Watchorn, 160 F., 1014.) 4

The decision of the Secretary of Commerce and Labor, finding that an immigrant arrested for deportation under immigration act of February 20, 1907, ch. 1134, sec. 21, 34 Stat., 905 (U. S. Comp. St. Supp., 1907, p. 402), is not subject to deportation, does not render that question res judicata nor prevent the second arrest of the alien to try the same question again.—(Ex parte Stancampiano, 161 F., 164.) 5

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[U. S. C. C. A., Hawaii, 1908.]

1 Act of Congress March 3, 1903 (ch. 1012, sec. 25, 32 Stat., 1220), gives boards of special inquiry authority to determine whether an alien who has been duly held shall be allowed to land, and provides that the decision of any two members of the board shall be final, but that an appeal may be taken therefrom to the Secretary of the Treasury, whose decision shall be final. By act of February 14, 1903, ch. 552, sec. 4, 32 Stat., 826 (U. S. Comp. St. Supp., 1907, p. 86), the Secretary of Commerce and Labor succeeded to the powers, etc., of the Secretary of the Treasury relating to the Immigration Service. Section 10 of the first-named act (32 Stat., 1216) makes the decision of the board of special inquiry final as to the rejection of aliens afflicted with a dangerous contagious disease. An alien returning to the United States after a temporary absence was detained before a board, and the questions whether he was afflicted and whether he was one of the class of aliens referred to in section 2 (32 Stat., 1214), providing for the exclusion of aliens afflicted with a dangerous contagious disease, were presented for the board's determination. The board found he was afflicted and ordered that he be deported, and the Secretary of Commerce and Labor dismissed the alien's appeal, holding that under section 10 no appeal could lie. *Held*, that the appeal was improperly dismissed, since the question whether he was an alien, within section 2, was presented for decision by the Secretary, and that a writ of habeas corpus lies to protect the alien's right to have such question so determined.—(United States *v.* Nakashima, 160 F., 842; 87 C. C. A., 646.)

[U. S. Sup., N. Y., 1906.]

2 The second hearing before a board of special inquiry, as a result of which a deportation of certain British aliens was ordered, could be directed by the Secretary of Commerce and Labor, acting under the authority conferred upon him by act of March 3, 1903, ch. 1012, sec. 21, 32 Stat., 1218 (U. S. Comp. St. Supp., 1905, p. 284), to deport, within three years after landing or entry, an alien found to be unlawfully within the United States, although the first decision of the board of inquiry at the time of landing was unanimously in favor of the immigrants, and such decision is, by the express provisions of section 25, declared to be final. Judgment (C. C. A., 1905), 136 F., 734, affirmed.—(Pearson *v.* Williams, 26 Sup. Ct., 608; 202 U. S., 281 50 L. Ed., 1029.)

[U. S., 1892.]

3 The courts have no power to review the action of an inspector of immigration in refusing to allow an alien to land as within the class excluded by act of March 3, 1891, chapter 551. Section 13, which provides that the circuit and district courts of the United States are "invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act," only refers to actions for penalties under sections 3 and 4 and indictments for misdemeanors under sections 6, 8, and 10.—(Nishimura Ekiu *v.* United States, 142 U. S., 651; 12 Sup. Ct., 336; 35 L. Ed., 1146.)

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[U. S., 1895.]

The action of the Secretary of the Treasury in ordering the deportation of immigrants who have arrived within a year, on the ground that they were landed in violation of the contract-labor laws (acts Feb. 26, 1885; Feb. 23, 1887; Oct. 19, 1888; Mar. 3, 1891), can not be reviewed or questioned in the courts.—(United States *v.* Arteago, 68 Fed., 883; 16 C. C. A., 58.) 1

[U. S., 1886.]

Under act of Congress, August 3, 1882, the immigration commissioners have exclusive power to determine whether immigrants are likely to become a public charge; and their decision, made upon competent evidence, can not be reviewed, but they may reconsider it at any time before the return of the passengers.—(In re Day, 27 Fed., 678.) 2

[U. S., 1877.]

The decision of the collector upon the status of an immigrant whose right to land in the United States is challenged on the ground that he is under a contract to labor is conclusive and not open to review in the courts if there was competent evidence before the collector on which to exercise his judgment; and if proceedings for review are resorted to, and facts not previously placed before the collector are therein disclosed, the whole case may afterwards be again presented to the collector.—(In re Cummings, 32 Fed., 75.) 3

[U. S., 1889.]

The decision of commissioners of emigration as to indigent immigrants can not be reversed by the collector. (In re Palagano, 38 Fed., 580.) 4

[U. S., 1890.]

Where immigrants have been prevented from entering the country on the ground that they have come contrary to the provisions of the contract-labor law, the finding as to the facts by the superintendent of immigration, appointed by the Secretary of the Treasury under act of Congress, February 23, 1887, when confirmed by the collector acting pursuant to the regulations of the Secretary of the Treasury, is a finding of a tribunal duly constituted by law, and is not subject to review by the circuit court.—(In re Vito Rullo, 43 Fed., 62.) 5

[U. S., 1891.]

Act of March 3, 1891, relative to immigration and the importation of contract labor, makes it the duty of the superintendent of immigration, upon the arrival of an immigrant in this country, to take the oath of the immigrant or of some other person as to any facts tending to show prima facie that the immigrant belongs to one of the excluded classes. But thereafter the immigrant has the right to demand a special inquiry, and at such inquiry to show affirmatively, by any competent testimony, that he does not belong to any of the excluded classes. When such inquiry has been had, the deci- 6

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sion of the inspection officers is conclusive upon the courts. The remedy, if the decision is wrong, is by an appeal to the superintendent of immigration, and then to the Secretary of the Treasury.—(In re Hirsch Berjanski (D. C.), 47 Fed., 445.)

1 On preliminary inquiry by the inspection officers, certain immigrants stated that their passage was paid for them and that they came under an engagement to work on a railroad in Ohio for 7 francs a day, but on a subsequent special inquiry they retracted these statements. *Held*, that there was competent evidence tending to show that they had come in violation of the restriction act, and the court had no jurisdiction to review the commissioner's decision ordering them to be taken back.—(In re Didfirri (C. C.), 48 Fed., 168.)

[U. S., 1892.]

2 The power of the federal superintendent of immigration to return passengers is confined to "alien immigrants," and the question whether persons ordered to be returned are of that description is jurisdictional and may be determined by the courts.—(In re Panzara (D. C.), 51 Fed., 275.)

[U. S., 1894.]

3 Under statute 1888 (amending Stat. 1885, ch. 164, as amended by Stat. 1887, ch. 220), which authorizes the Secretary of the Treasury, "in case he shall be satisfied" that an immigrant "has" landed contrary to the prohibition of statute 1885, chapter 164, as amended, to cause him, within a year after landing, to be taken into custody and deported, the determination of the Secretary of the Treasury as to whether or not the immigrant is a prohibited person is conclusive and will not be reviewed by the courts.—(In re Howard (C. C.), 63 Fed., 263.)

4 Under act of August 18, 1894 (sundry civil appropriation act), making final the decision of the immigration or customs officials on the right of an alien to admission, the only questions into which a court can inquire are whether relator is an alien and the collector has made a decision.—(In re Chin Yuen Sing (C. C.), 65 Fed., 571.)

[U. S., 1895.]

5 The federal courts have no power to pass on the acts of the commissioners of immigration when in the exercise of the right of excluding an alien on the ground of poverty.—(United States *v.* Rogers (C. C.), 65 Fed., 787; Same *v.* American S. S. Co., id.)

6 The decision of a collector denying an alien admission into the country is final unless reversed on appeal to the Secretary of the Treasury.—(United States *v.* Chung Shee (D. C.), 71 Fed., 277.)

[N. Y., 1855.]

7 Under laws 1855, making it the positive duty of the commissioners of emigration to designate a place they deem proper for an emigrant landing and declaring that it shall be lawful for them to be landed there, the establishment of such a landing by the commis-

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sioners can not be enjoined, even if it is shown that it would prove to be a nuisance.—(Phoenix *v.* Commissioners of Emigration, 12 How, Prac., 1; Id., 1 Abb. Prac., 466.)

[N. Y., 1884.]

The refusal of commissioners of emigration to permit the landing of certain persons found by the commissioners to be paupers will not be interfered with by the courts. Nor is the case affected by the fact that the persons have been permitted to leave the ship; the words "permitted to land" are to be construed liberally, e. g., permitted to enter the country.—(People *v.* Hurlburt, 67 How. Prac., 356.) 1

[U. S. C. C. A., Pa., 1907.]

In the provisions of section 10 of the immigration act (act Mar. 3, 1903, ch. 1012, 32 Stat., 1216) making the decision of the board of special inquiry based upon the certificate of the examining medical officer final as to the rejection of aliens affected with a loathsome or dangerous contagious disease, the word "final" is not used in such broad sense as to deprive an alien so rejected of the right of appeal unqualifiedly given by section 25 of the act, or of the right to invoke the provisions of section 37, relating to the wife and children of a naturalized alien, in a case to which such section is applicable.—(Rodgers *v.* United States, 157 F., 381.) 2

[U. S. D. C., Wash., 1908.]

The rule that the findings of immigration inspectors that a person apprehended for deportation is a Chinese person not entitled to enter the United States, when affirmed by the Secretary of Commerce and Labor, is final does not prevent a citizen of the United States from invoking the protection of the courts to secure his right to live within the boundaries of his own country guaranteed by the Constitution.—(Ex parte Lung Wing Wun, 161 F., 211.) 3

[U. S. D. C., Wash., 1908.]

In Chinese deportation proceedings there is a natural presumption that a person of Mongolian race coming to the United States from China is an alien, to overcome which and secure recognition of rights, privileges, and immunities pertaining to United States citizenship convincing evidence is essential.—(Ex parte Lung Wing Wun, 161 F., 211.) 4

[U. S. D. C., Wash., 1908.]

The powers and functions of United States commissioners in Chinese deportation proceedings are confined to the issuance of warrants for the apprehension of Chinese persons accused of being unlawfully within the United States, to the decision of questions whether such persons are unlawfully in the United States, to making orders directing those not privileged to remain to be deported, and to discharging from arrest those who prove a present right to remain in the United States, such decisions being subject to review on appeal 5

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to the district court of the proper district.—(Ex parte Lung Wing Wun, 161 F., 211.)

1 Evidence *held* insufficient to establish that a Chinese person was a citizen of the United States.—(Ex parte Lung Wing Wun, 161 F., 211.)

2 Evidence considered on an application for a writ of habeas corpus by a person of Chinese descent claiming to be a citizen of the United States by birth, but who, with his wife, was denied admission on his return from China, and *held* to establish his citizenship and right to enter with his wife, and also to clearly sustain his contention that he was not given a fair and impartial hearing by the immigration inspector, nor any hearing on the merits on his appeal to the Secretary of Commerce and Labor, which facts entitled him to apply to the courts for the protection of his constitutional rights as a citizen.—(In re Tang Tun, 161 F., 618; In re Gang Gong, id.; In re Can Pon, id.)

3 A hearing by an immigration inspector of the case of a person of Chinese descent claiming to be a native-born citizen of, and seeking to enter, the United States upon testimony and unsworn statements taken ex parte, without giving the applicant or his counsel the opportunity to be present, is not a judicial inquiry nor due process of law.—(In re Tang Tun, 161 F., 618; In re Gang Gong, id.; In re Can Pon, id.)

[U. S. C. C., N. Y., 1908.]

4 Chinese persons were not "found unlawfully in the United States" so as to entitle them to a hearing as to their right to remain, where, when they crossed the border into the United States at a point remote from the designated port of entry, they were within sight of inspectors, who, intending to prevent their unlawful entry, followed them closely until they had proceeded about one-fourth of a mile across the border, and until it was apparent that they intended to enter unlawfully, and, taking them into custody, conducted them immediately to the nearest port of entry for investigation of their right to enter; the term "found unlawfully in the United States" referring to those Chinese persons who have entered, gone at large, and mixed with and become a part of the population. Hence, such persons having been given opportunity to show their right to enter, and having remained mute, the inspector in charge had jurisdiction to exclude them.—(Ex parte Chow Chok, 161 F., 627.)

[U. S. D. C., N. Y., 1908.]

5 Where the United States denied a Chinese person's right to enter, the burden was on him to prove such right, to show that he was born in the United States; there being no claim his alleged right rested on any other basis.—(Ex parte Loung June, 160 F., 251.)

[U. S. C. C., N. Y., 1908.]

6 A proceeding for the exclusion of a Chinese alien in the first instance is within the jurisdiction of the Chinese inspector, from whom an appeal may be taken to the Department of Commerce and

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Labor, after which resort may be had to the courts if the decision is adverse to the persons seeking admission.—(Ex parte Lee Kow, 161 F., 592.)

[U. S. Sup., Nebr., 1908.]

A hearing de novo before the district judge is contemplated by the provision of act of September 13, 1888, ch. 1015, sec. 13, 25 Stat., 476 (U. S. Comp. St., 1901, p. 1312), giving a Chinese person convicted before a United States commissioner of being unlawfully within the United States the right to appeal to the judge of the federal district court for the district.—(Liu Hop Fong *v.* United States, 28 S. Ct., 576; 209 U. S., 453; 52 L. Ed., 888.) 1

The deportation of a Chinaman lawfully admitted to the United States upon a student's certificate, complying with the treaty with China of December 8, 1894 (art. 3, 28 Stat., 1210), can not be ordered by a federal district court upon the transcript of the proceedings before the commissioner, which presents merely such student's certificate, and the statement that witnesses were examined, without any findings, or the giving of any testimony, although additional separate findings of the commissioner were afterwards filed, where this was done without the order of the court, and there was no consent to a hearing upon such additional findings.—(Liu Hop Fong *v.* United States, 28 S. Ct., 576; 209 U. S., 453; 52 L. Ed., 888.) 2

[U. S. C. C. A., Nebr., 1908.]

A judgment of the district court on an appeal from an order of commissioners directing the deportation of a Chinese is not subject to review on a writ of error, but only on appeal.—(Leo Lung On *v.* United States, 159 F., 125; 86 C. C. A., 513.) 3

[U. S. C. C. A., Wash., 1906.]

Where, in proceedings for the deportation of a Chinaman, he claimed to be a native-born citizen of the United States, the burden of proof of such fact was on him, as provided by act of May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), and act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1322).—(Lee Yuen Sue *v.* United States, 146 F., 670; 77 C. C. A., 96.) 4

Where the evidence in Chinese deportation proceedings left the question as to defendant's alleged citizenship in doubt, it was not error for the judge to cause defendant, accompanied by his counsel, to be brought before him, and to further examine defendant concerning the evidence.—(Lee Yuen Sue *v.* United States, 146 F., 670; 77 C. C. A., 96.) 5

In proceedings for the deportation of a Chinese person, evidence *held* insufficient to establish that he was a native-born citizen of the United States.—(Lee Yuen Sue *v.* United States, 146 F., 670; 77 C. C. A., 96.) 6

[U. S. D. C., Vt., 1906.]

Where on the return of a Chinese person to the United States his claim that he was a merchant at L. was not investigated by the immi- 7

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gration officers, but he was deported because of his former status as an unregistered laborer, such decision was not conclusive against his right to again enter the United States by virtue of his being a merchant in L., established by two credible witnesses other than Chinese, as provided by Chinese-exclusion act of May 5, 1892, ch. 60, sec. 6, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1321).—(Ex parte Ow Guen, 148 F., 926.)

[U. S. C. C. A., Oreg., 1906.]

1 Evidence *held* to sustain a judgment ordering the deportation of a Chinese person as being unlawfully within the United States. Judgment, United States *v.* Lee Wing (D. C., 1905), 136 F., 701; Same *v.* Louie You, id.; Same *v.* Louie Hang, id.; Same *v.* Lee Yin, id.; Same *v.* Lee Joe Yen, id.; Same *v.* Ching Hing, id.; Same *v.* Chang Kow, id.; Same *v.* Lee Won Jeong, id., affirmed.—(Lee Joe Yen *v.* United States, 148 F., 682; 78 C. C. A., 427.)

[U. S. D. C., N. Y., 1906.]

2 A Chinese person ordered deported by a commissioner may appeal to the district judge as a matter of right under the statute, and, in the absence of a rule of court requiring it, an order of the judge allowing the appeal is unnecessary; the service of notice of appeal on the commissioner and the district attorney and the filing of such notice with the clerk being sufficient. An order of the judge, however, is necessary to stay the execution of the commissioner's order pending the appeal.—(United States *v.* Loy Too, 147 F., 750.)

[U. S. C. C. A., N. J., 1906.]

3 Since no formal complaint or pleadings are required in Chinese deportation proceedings, where certain Chinese persons proceeded against were before the commissioner and before the district court on appeal, objections to the validity of the process of arrest were not available to oust the court of jurisdiction.—(Toy Tong *v.* United States, 146 F., 343; 76 C. C. A., 621.)

4 Proceedings to enforce the Chinese-exclusion act being administrative rather than judicial, the decision of a Chinese inspector refusing permission for a Chinese person to land is not reviewable by the courts.—(Toy Tong *v.* United States, 146 F., 343; 76 C. C. A., 621.)

5 Where a Chinese person is brought before a United States commissioner or judge charged with being in the country illegally, the burden is on him to establish his right to remain, and unless he sustains the same his deportation follows by the terms of the statute.—(Toy Tong *v.* United States, 146 F., 343; 76 C. C. A., 621.)

6 Where, in proceedings for the deportation of certain Chinese persons, none of them were alleged to have ever had any certificates entitling them to remain in the United States, or that any such certificates had been taken from them, pursuant to Chinese Regulation Rule 23, the invalidity of such rule was immaterial.—(Toy Tong *v.* United States, 146 F., 343; 76 C. C. A., 621.)

7 Chinese exclusion act March 3, 1901, ch. 845, sec. 3, 31 Stat., 1093 (U. S. Comp. St., 1901, p. 1328), declares that no warrant of arrest

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for violation of the Chinese exclusion laws shall be issued by United States commissioners except on the sworn complaint of a United States district attorney, assistant United States district attorney, collector, deputy collector or inspector of customs, immigration inspector, United States marshal or deputy, or a Chinese inspector, unless the issuance of the warrant shall be first approved or requested in writing by the United States district attorney of the district in which it is issued. *Held*, that the official titles used in describing the persons entitled to make the complaint were mere descriptio personæ, and hence, where a complaint was made by a Chinese inspector, it was immaterial that it was filed with a United States commissioner outside the inspector's official district.—(Toy Tong *v.* United States, 146 F., 343; 76 C. C. A., 621.)

[U. S. D. C., Cal., 1906.]

A judgment in habeas corpus proceedings, remanding a Chinese person to the custody of the master of a vessel in which he immigrated, for deportation, was vacated by the subsequent passage of the act of Congress, May 5, 1892, ch. 60, 27 Stat., 25, as amended by the act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1320), providing for the registration of Chinamen entitled to remain in the country and the registration of petitioner thereunder.—(In re Tom Hon, 149 F., 842.) 1

[U. S. C. C. A., Oreg., 1906.]

Where the judgment for the deportation of a Chinese person recited that it appeared to the court that accused was a Chinese laborer and a subject of the Emperor of China; that he was not registered as required by act of Congress approved May 5, 1892, ch. 160, sec. 6, 27 Stat., 25, and act of Congress, November 3, 1893, ch. 14, sec. 1, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1320), and that he did not belong to one of the classes of Chinese excepted by said acts from such registration, and was unlawfully within the United States, it was not objectionable for failure to state sufficient facts to sustain it. Judgment, United States *v.* Lee Wing; Same *v.* Louis You; Same *v.* Louie Hang; Same *v.* Lee Yin; Same *v.* Lee Joe Yen; Same *v.* Chin Hing; Same *v.* Chang Kow; Same *v.* Lee Won Jeong, 136 F., 701, affirmed.—(Lee Won Jeong *v.* United States, 145 F., 512.) 2

[U. S. D. C., Mont., 1905.]

A United States commissioner exercises special authority in Chinese cases, and where a Chinese person charged with being unlawfully in the United States has had a hearing regular in form before a commissioner, who has adjudged that such person is entitled to be and remain within the United States and has ordered his discharge, the decision is determinative of the issue, and such person can not again be apprehended and proceeded against upon a complaint filed in the district court of the same district upon substantially the same facts.—(United States *v.* Yeung Chu Keng, 140 F., 748.) 3

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[U. S. C. C. A., Mass., 1906.]

1 Lee Lung *v.* Patterson (186 U. S., 168; 22 Sup. Ct., 795; 46 L. Ed., 1108), *held* to apply to the effect that the decision of the immigration officers refusing to permit a Chinese alien to enter the United States, after a hearing had in accordance with the acts of Congress, can not be reviewed by the courts in habeas corpus proceedings, although instituted by one domiciled and entitled to remain in the United States who sets up the claim that the person excluded is his minor son and invokes the jurisdiction of the court in his own right.—(Judgment Ex parte Wong Sang (D. C., 1905), 143 F., 147, and Ex parte Wong Den, id., affirmed. Wong Sang *v.* United States, 144 F., 968; Wong Den *v.* Same, id.; Wong Chow *v.* Same, id.; Goon Yin *v.* Same, id.)

2 The decision of the appropriate immigration officers denying Chinese persons entry into the United States, which right was claimed on the ground that they were minors, and their fathers, respectively, were lawful residents of the United States, if not appealed from and no abuse of discretion is shown, is conclusive and can not be reviewed by the courts.—(D. C., 1905, Ex parte Wong Sang, 143 F., 147; Ex parte Wong Den, id. Judgment affirmed, Wong Sang *v.* United States (C. C. A., 1906), 144 F., 968; Wong Den *v.* Same, id.; Wong Chow *v.* Same, id.; Goon Yin *v.* Same, id.)

[U. S. C. C. A., Cal., 1906.]

3 In proceedings for the deportation of an alleged Chinese person, the fact that he was a native of China, coupled with his personal appearance, indicating by his dress, physiognomy, and queue that he was a Chinaman, was sufficient to justify a finding to that effect in the absence of evidence to the contrary.—(Low Foon Yin *v.* United States Immigration Comr., 145 F., 791.)

4 A proceeding for the deportation of a Chinese laborer not having a certificate entitling him to residence required by Chinese exclusion act, act of Congress May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), as amended by act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1322), and act of April 29, 1902, ch. 641, 32 Stat., 176 (U. S. Comp. St. Supp., 1905, p. 295), is not a criminal proceeding, and hence it is competent for the Government to swear such Chinese person as a witness against himself.—(Low Foon Yin *v.* United States Immigration Comr., 145 F., 791.)

[U. S. C. C. A., N. Y., 1908.]

5 Chinese persons were not "found unlawfully in the United States" so as to entitle them to a hearing as to their right to remain, where, when they crossed the border into the United States at a point remote from the designated port of entry, they were within sight of inspectors, who, intending to prevent their unlawful entry, followed them closely until they had proceeded about one-fourth of a mile across the border, and until it was apparent that they intended to enter unlawfully, and, taking them into custody, conducted them immediately to the nearest port of entry for investigation of their right to enter;

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the term, " found unlawfully in the United States " referring to those Chinese persons who have entered, gone at large, and mixed with and become a part of the population. Hence such persons having been given opportunity to show their right to enter and having remained mute, the inspector in charge had jurisdiction to exclude them. Order (C. C.), Ex parte Chow Chok, 161 F., 627, affirmed.—(Chow Chok *v.* United States, 163 F., 1021.)

It is the settled general rule that the finding of a commissioner who sees and hears Chinese witnesses sworn in behalf of Chinese persons of the prohibited class seeking entry to the United States, and who reaches the deliberate conclusion that they are not entitled to credit, will not be reversed by an appellate court.—(Hong Yon *v.* United States, 164 F., 330; Jin Dun *v.* Same, id.) 1

[U. S. C. C., N. Y., 1908.]

Under immigration act, February 20, 1907, ch. 1134, sec. 25, 34 Stat., 906 (U. S. Comp. St. Supp., 1907, p. 405), the decision of the appropriate immigration officers adverse to the admission of an alien is conclusive, unless reviewed on appeal by the Secretary of Commerce and Labor, and can not be reviewed by the courts on writ of habeas corpus.—(United States *v.* Watchorn, 164 F., 152.) 2

[U. S. C. C. A., N. Y., 1908.]

A Chinese person against whom deportation proceedings are pending may be called as a witness by the United States and compelled to answer questions relevant to the pending issue. Order, United States *v.* Tom Wah (D. C.), 160 F., 207, affirmed.—(Tom Wah *v.* United States, 163 F., 1008.) 3

[U. S. C. C., N. Y., 1907.]

The detention of a Chinese person in a place provided within the United States pending final determination of his application to enter is legal.—(Ex parte Jong Jim Hong, 157 F., 447.) 4

Whether a Chinese person, claiming the right to enter the United States on the ground that he is a citizen by birth, has such right, is a question of fact, on which the decision of the immigration officer, affirmed on appeal to the Secretary of Commerce and Labor, if fairly made, is conclusive, and can only be reviewed by a court on a writ of habeas corpus for abuse of discretion.—(Ex parte Jong Jim Hong, 157 F., 447.) 5

[U. S. D. C., Pa., 1907.]

Section 3, act of May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St. 1901, p. 1320), providing that any Chinese person or person of Chinese descent, arrested for deportation thereunder " shall be adjudged to be unlawfully within the United States, unless such person shall establish by affirmative proof * * * his lawful right to remain in the United States," applies to, and imposes the burden of proof on, a defendant who is of the Chinese race, although he claims to be a citizen of the United States by birth.—(United States *v.* Hoy Way, 156 F., 247; Same *v.* Yung Kong, id.; Same *v.* Chu Bok Quai, id.) 6

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[U. S. C. C. A., W. Va., 1907.]

1 In a proceeding to deport a Chinaman as a Chinese laborer unlawfully in the United States, he has the burden of proving that he is a merchant, privileged to remain in the United States.—(United States *v.* Yee Gee You, alias Yee Jim, 152 F., 157; 81 C. C. A., 409.)

2 Under act of Congress May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), entitled "An act to prohibit the coming of Chinese persons into the United States," as amended by act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1321), in deportation cases the only permissible evidence of a Chinese laborer's right to be in the United States is the certificate of residence mentioned in such legislation, or, in lieu thereof, testimony showing that by reason of accident, sickness, or other unavoidable cause he was unable to procure such certificate, and the testimony of at least one white witness that he was a resident of the United States prior to the registration period.—(United States *v.* Yee Gee You, alias Yee Jim, 152 F., 157; 81 C. C. A., 409.)

[U. S. D. C., Oreg., 1907.]

3 In proceedings for the deportation of a Chinese person, evidence *held* insufficient to establish that he was a Chinese merchant when he came to the United States, and that he engaged in that line of business for some time thereafter.—(United States *v.* Ngum Lun May, 153, F., 209.)

4 Under section 13 of the Chinese-exclusion act, September 13, 1888, ch. 1015, 25 Stat. 479 (U. S. Comp. St., 1901, p. 1317), which provides that any Chinese person convicted under the act of being unlawfully in the United States "may within ten days from such conviction appeal to the judge of the district court for the district;" unless an appeal is taken within the time so limited, the court acquires no jurisdiction to hear and determine the cause.—(United States *v.* Yuen Yee Sum, 153 F., 494.)

[U. S. C. C. A., N. Y., 1907.]

5 A Chinese preson, ordered deported by a commissioner, may appeal to the district judge as a matter of right under the statute, and, in the absence of a rule of court requiring it, an order of the judge allowing the appeal is unnecessary, the service of notice of appeal on the commissioner and the district attorney, and the filing of such notice with the clerk, being sufficient. An order of the judge, however, is necessary to stay the execution of the commissioner's order pending the appeal. Order, United States *v.* Loy Too (D. C., 1906), 147 F., 750, affirmed.—(Toy Gaup *v.* United States, 152 F., 1022; 81 C. C. A., 682. Loy Too *v.* Same, id.)

[U. S. D. C., N. Y., 1907.]

6 Proceedings brought under the Chinese-exclusion act for the deportation of a Chinese person are civil, and not criminal, and a defendant claiming to be a native of the United States may avail him-

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self of the right given by Revised Statutes, section 863 (U. S. Comp. St., 1901, p. 661), to take and use depositions de bene esse.—(In re Lam Jung Sing, 150 F., 608.)

[Ariz., 1907.]

The fact that defendant had not produced this evidence before the collectors of customs upon his admission to the United States would not bar its introduction, as, at the time of his admission, the proof was not required by law.—(United States *v.* Quong Chee, 89 P., 525.) 1

Where, on the trial of a Chinese person charged with being unlawfully in the United States, defendant introduced in evidence a certificate granted him on his return from a visit to China, which stated that he was a Chinese person other than a laborer, his testimony that since his return he had engaged in merchandising and in the restaurant business does not contradict the statements of the certificate.—(United States *v.* Quong Chee, 89 P., 525.) 2

On the trial of a Chinaman charged with being unlawfully in the United States, it was proper to allow in evidence a certificate granted him on his return from China, where he had been temporarily, which stated that it was issued under section 6, act of July 5, 1884, ch. 220, 23 Stat., 116 (U. S. Comp. St., 1901, p. 1307), though it does not state that he is entitled by the above act to come into the United States, he being a former resident merchant therein. (United States *v.* Quong Chee, 89 P., 525.) 3

Where the right of a Chinese person to remain in the country is challenged after he had been landed as a merchant by the customs officers on his return from a visit to China, and he produces a certificate which states that it was issued under section 6, act of July 5, 1884, ch. 220, 23 Stat., 116 (U. S. Comp. St., 1901, p. 1307), entitling defendant, a Chinese person other than a laborer, to come into the United States, which certificate was not controverted by the Government, such certificate is not by law the only evidence admissible, and he may show by two white witnesses that he had been a merchant in the United States.—(United States *v.* Quong Chee, 89 P., 525.) 4

Even though the evidence undeniably established and the Government conceded that defendant had been for more than twenty years a Chinese merchant domiciled in the United States, in a proceeding against him on the charge of being a Chinese laborer, and with being unlawfully in the United States because he was without the certificate of residence required, where the issue was his right to remain, the obligation to establish such right "by affirmative evidence to the satisfaction of the court," as provided in act of May 5, 1892, ch. 60, sec. 2, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), would entitle him to the introduction of any affirmative evidence necessary thereto.—(United States *v.* Quong Chee, 89 P., 525.) 5

[Ariz., 1900.]

Under the Chinese-exclusion act (act of Congress, Sept. 13, 1888, sec. 13) authorizing commissioners of the United States courts to exclude Chinese not of the privileged class and giving the defendant 6

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a right of appeal within ten days from a conviction by a commissioner of a United States court to the United States district court; and under act of Congress, May 28, 1896, abolishing the commissioners of the United States circuit courts, and authorizing the appointment of commissioners by the United States district courts and defining their powers—the United States has no right of appeal from the order of a commissioner of a United States district court discharging a Chinaman as a member of the privileged class, since the statute provides an appeal only for the defendant from a conviction.—(United States *v.* Lee Ching Goon, 60 P., 692; 7 Ariz., 2.)

[U. S. D. C., Cal., 1900.]

1 Under the act of Congress of September 13, 1888 (25 Stat., 476), section 13, providing that a Chinese person convicted before a commissioner of being unlawfully within the United States may "within ten days from such conviction appeal to the judge of the district court," a notice of appeal served thirteen days after a judgment of conviction is without force, and gives the appellate court no jurisdiction of the case.—(United States *v.* See Ho How, 100 F., 730.)

[U. S. Sup., Cal., 1902.]

2 The decision of the collector of customs denying the privilege of transit across the territory of the United States to a Chinese citizen possessing a through ticket to a point in foreign territory can not be reviewed by habeas corpus, since by the regulations of the Treasury Department of the United States, authorized by the treaty of March 17, 1894 (28 Stat., 1211), with China, the final decision as to permitting such transit was devolved on that officer, with no provisions for a review of such decision.—(Fok Young Yo *v.* United States, 22 S. Ct., 686; 185 U. S., 296; 46 L. Ed., 917. Lee Gon Yung *v.* Same, 22 S. Ct., 690; 185 U. S., 306; 46 L. Ed., 921.)

3 Under the regulations of the Treasury Department of December 8, 1900, relating to the transit of Chinese persons through the territory of the United States, and also by those of September 28, 1889, it is incumbent upon a Chinese person applying for the privilege of transit to satisfy the collector of the port of his bona fide intention to make such transit; and on his failure to do so the collector may order his deportation; and his decision can not be reviewed by the courts, but only by an appeal to the department.—(C. C., 1901, In re Lee Gon Yung, 111 F., 998. Affirmed 22 S. Ct., 690; 185 U. S., 306; 46 L. Ed., 921.)

[U. S. C. C. A., Cal., 1899.]

4 In habeas corpus proceedings brought by a Chinese person claiming the right to enter the United States from China, on the ground of being a citizen of this country by birth, the court is not bound to accept the testimony of the petitioner's witnesses as conclusive, though uncontradicted, and where in such a case it appeared that petitioner, a girl 20 years old, had resided in China for seventeen years, and the testimony as to her identity with the person claimed to have been born here was inconclusive or improbable, the finding of the court and

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its referee, who heard the witnesses, will not be disturbed on appeal.—(Lee Sing Far *v.* United States, 94 F., 834; 35 C. C. A., 327.)

[U. S. C. C. A., Cal., 1904.]

The judgment of a district court affirming an order of a commissioner for the deportation of a Chinese person against his claim that he was born in the United States, which was supported by the testimony of himself and two other Chinese witnesses, but was contradicted by a prior admission of defendant, held not reversible for error.—(Chew Hing *v.* United States, 133 F., 227; 66 C. C. A., 281.) 1

Under section 6 of act of March 3, 1891, creating the circuit court of appeals (26 Stat., 828, ch. 517; U. S. Comp. St., 1901, p. 549), which gives such courts the power to review by appeal or writ of error final decisions in the district court, an appeal lies to such court from a judgment of a district court rendered on an appeal from an order from a commissioner for the deportation of a Chinese person arrested under section 13 of the exclusion act of September 13, 1888, ch. 1015, 25 Stat., 479 (U. S. Comp. St., 1901, p. 1317), which authorizes an appeal from a conviction before a commissioner to "the judge of the district court for the district."—(Judgment Yee Yuen *v.* United States, 129 F., 585; 64 C. C. A., 153; Cheung Him Nim *v.* Same, id.; Chew Hing *v.* Same, id.; Lee Yue *v.* Same, id.; Chin Chew Fong *v.* Same, id. Affirmed, Tsoi Yii *v.* United States, 133 F., 1022; 66 C. C. A., 681.) 2

Under section 6, act of March 3, 1891, creating the circuit court of appeals (26 Stat., 828, ch. 517; U. S. Comp. St., 1901, p. 549), which gives such courts the power to review by appeal or writ of error final decisions in the district court, an appeal lies to such court from a judgment of a district court rendered on an appeal of a commissioner for the deportation of a Chinese person arrested under section 13 of the exclusion act of September 13, 1888, ch. 1015, 25 Stat., 479 (U. S. Comp. St., 1901, p. 1317), which authorizes an appeal from a conviction before a commissioner to "the judge of the district court for the district."—(Tsoi Yii *v.* United States, 129 F., 585; 64 C. C. A., 153. Yee Yuen *v.* Same, id.; Cheung Him Nim *v.* Same, id.; Chew Hing *v.* Same, id.; Lee Yue *v.* Same, id.; Chin Chew Fong *v.* Same, id. Affirmed, 133 F., 1022; 66 C. C. A., 681.) 3

[U. S. D. C., N. Y., 1902.]

Evidence considered on appeal from the decisions of a commissioner ordering the deportation of Chinese persons, and such orders affirmed.—(United States *v.* Lee Huen, 118 F., 442.) 4

[U. S. D. C., N. Y., 1903.]

Where a motion for new trial in Chinese deportation proceedings is denied by the commissioner before whom the proceedings were had, an appeal may be taken to the United States district court from the order denying the motion.—(United States *v.* Ng Young, 126 F., 425.) 5

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[U. S. Sup., N. Y., 1904.]

1 Federal courts will not interfere by habeas corpus with the refusal of the right of entry into the United States of Chinese persons alleging citizenship, at least until after a final decision of the Secretary of Commerce and Labor on the appeal provided for by act of August 18, 1894, ch. 301, 28 Stat., 390 (U. S. Comp. St., 1901, p. 1303), and act of February 14, 1903, ch. 552, 32 Stat., 825, in case of a decision by the immigration officers adverse to the admission of alien.—(United States *v.* Sing Tuck, 24 S. Ct., 621; 194 U. S., 161; 48 L. Ed., 917, reversing judgment Sing Tuck *v.* United States (C. C. A., 1904), 128 F., 592; 63 C. C. A., 199.)

[U. S. C. C. A., N. Y., 1904.]

2 Where Chinese persons applying for admission to the United States either make no claim to citizenship therein to the immigration inspector, or, if making such claim, fail or refuse to introduce any evidence in support thereof, the burden of which is cast upon them by the statute, the adverse decision of the inspector on their right to enter, if not appealed from, is conclusive, and they are not entitled to raise the question of citizenship in the courts by proceedings in habeas corpus.—(C. C., 1903, In re Sing Tuck, 126 F., 386, order reversed. Sing Tuck *v.* United States, 128 F., 592; 63 C. C. A., 199.)

3 Where an alleged Chinese alien, apprehended in deportation proceedings, establishes a prima facie case of citizenship he is entitled to have the legality of his detention judicially determined on habeas corpus, notwithstanding act of Congress August 18, 1894, chapter 301, section 1, 28 Statutes, 390 (U. S. Comp. St., 1901, p. 1303), declares that the determination of the immigration officials shall be final unless reversed on appeal to the Secretary of the Treasury. Order, In re Sing Tuck (C. C., 1903), 126 F., 386, reversed.—(Sing Tuck *v.* United States, 128 F., 592; 63 C. C. A., 199.)

[U. S. C. C., N. Y., 1898.]

4 Twenty-eighth Statutes, 390, making decisions of the customs or immigration officers excluding aliens final, "unless reversed on appeal to the Secretary of the Treasury," does not exclude the jurisdiction of the courts in habeas corpus, when, although an appeal to the Secretary has been taken, through some rule of procedure in the office, the papers will not be sent to him.—(In re Monaco, 86 F., 117.)

[U. S. D. C., N. Y., 1899.]

5 In a proceeding before a commissioner for the deportation of a Chinese person the action of a deputy collector some months previously in refusing the defendant entry into the United States is not an adjudication which constitutes a bar to the consideration of defendant's rights by the commissioner on the merits, where the deputy entered no decision, made no findings, and heard no evidence to rebut the prima facie showing made by defendant of his right of entry, but acted solely on statements made to him by a third person in a conversation in another city regarding a statement the latter had heard and which was irrelevant, if true.—(United States *v.* Wong Chung, 92 F., 141.)

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[U. S. D. C., Cal., 1898.]

The action of a collector of a port in permitting a Chinese laborer to land, upon representation that he was born here, is not in any sense judicial, and in a proceeding for the laborer's deportation does not constitute even prima facie evidence of his right to remain in the United States.—(United States *v.* Lau Sun Ho, 85 F., 422.) 1

[D. C., 1896.]

The provisions of the general appropriation act, June 30, 1895, that, where an alien is excluded from admission into this country, the decision of the appropriate immigration or customs officers, if adverse to the admission of said alien, shall be final unless reversed on appeal to the Secretary of the Treasury, has no application to the case of aliens unlawfully within the country, and as such arrested for deportation therefrom.—(Chan Gun *v.* United States, 9 App. D. C., 290.) 2

[U. S. D. C., N. Y., 1903.]

Where a Chinese alien was ordered deported after trial, at which he produced a witness who testified that defendant was born in the United States, and at the time of the trial he knew of another witness who would have testified to the same fact, defendant was not entitled to a new trial in order to produce such witnesses.—(United States *v.* Ng Young, 126 F., 425.) 3

[U. S. D. C., N. Y., 1903.]

Where a Chinese person alleged to be unlawfully within the United States, was apprehended on September 9, 1903, and his trial was postponed until October 3 succeeding, and though a witness did not reach the place of trial until after the same had ended, no effort was made to open the case and introduce the witness's testimony until after the decision of the commissioner was filed on November 26, 1903, and the delay was not excused, defendant was guilty of such negligence as to preclude the granting of a new trial in order to introduce the witness's testimony.—(United States *v.* Ng Young, 126 F., 425.) 4

[U. S. D. C., N. Y., 1903.]

In proceedings for the exclusion of an alleged Chinese alien, an application for a new trial after judgment of deportation had been entered on trial before a United States commissioner should be addressed to the commissioner.—(United States *v.* Ng Young, 126 F., 425.) 5

[U. S. Sup., N. Y., 1902.]

A reexamination of the facts bearing upon the question whether a Chinese person is unlawfully in the United States, which was decided in the affirmative by a United States commissioner, and by a judge of the district court on appeal from the commissioner's decision, will not be entered upon by the supreme court on appeal, although such appeal was taken under act of March 3, 1891, ch. 551, sec. 5, 26 Stat., 1085 (U. S. Comp. St., 1901, p. 1292), on the ground that the construction of a treaty with China was drawn in question, 6

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and the supreme court has, therefore, jurisdiction to dispose of the entire case.—(Chin Bak Kan *v.* United States, 22 Sup. Ct., 891; 186 U. S., 193; 46 L. Ed., 1121. Chin Ying *v.* Same, 22 Sup. Ct., 895; 186 U. S., 202; 46 L. Ed., 1126.)

[U. S. Sup., N. Y., 1904.]

1 Orders for the deportation of Chinese laborers, made on the sole ground that they had failed to show that they were bona fide merchants within the meaning of Chinese exclusion act, May 5, 1892, ch. 60, sec. 2, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), as amended by act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1322), at the time registration was required, will be reversed by the Federal Supreme Court, where that court is satisfied, from an examination of the record, that the testimony did establish the fact.—(Tom Hong *v.* United States, 24 Sup. Ct., 517; 193 U. S., 517; 48 L. Ed., 772. Tom Dock *v.* Same, id. Lee Kit *v.* Same, id.)

[U. S. C. C. A., N. Y., 1904.]

2 Where a witness to the citizenship of a Chinese alien testified that the defendant was born in the United States, but was unable to state any of the facts concerning the village where it was alleged defendant was born, and where the witness testified he lived for eighteen years, the only event which he recalled with certainty being defendant's birth; and, in answer to a question as to his business, stated that he did "odd jobs and loaf," a finding of the commissioner rejecting his testimony, affirmed by the district judge, will be affirmed on appeal.—(Ark Foo *v.* United States, 128 F., 627; 63 C. C. A., 249. Hoo Fong *v.* Same, id. Jung Man *v.* Same, id.)

3 Where a commissioner's determination rejecting the evidence of citizenship in a proceding for the deportation of a Chinese alien on the ground that he did not believe the testimony that the defendant was only 29 years of age, was affirmed by the district judge, and there is nothing in the record to show that the commissioner's conclusion as to defendant's age was incorrect, the ruling will be affirmed.—(Ark Foo *v.* United States, 128 F., 697; 63 C. C. A., 249. Hoo Fong *v.* Same, id. Jung Man *v.* Same, id.)

[U. S. D. C., N. Y., 1902.]

4 A finding of a United States commissioner that a Chinese person is not lawfully in the United States will not be disturbed unless clearly against the weight of evidence.—(United States *v.* Leung Sam, 114 F., 702. Same *v.* Lee Yee, id. Same *v.* Leung Foo, id.)

[U. S. C. C. A., Ohio, 1904.]

5 Where, on appeal from a United States commissioner, in deportation proceedings, the district judge erroneously treated the case as before him as judge, and not as before the district court over which he presided, by reason of which no final judgment was entered in the district court, and no bill of exceptions was filed there, or transcript of the proceedings certified by the clerk of the district court,

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the circuit court of appeals acquired no jurisdiction to review the order under act of March 3, 1891, ch. 517, sec. 6, 26 Stat., 828 (U. S. Comp. St., 1901, p. 549), providing that the jurisdiction of that court extends to the review of final decisions of the district courts and the existing circuit courts, though which the writ of error which ran to the judge's error only might be regarded as running to the district court. Writ of error (D. C., 1903; 126 F., 400) dismissed.—(United States *v.* Hung Chang, 130 F., 439; 64 C. C. A., 641.)

An appeal is the proper proceeding for the review by the circuit court of appeals of a judgment of a district court rendered on appeal from an order of a commissioner for the deportation of a Chinese person arrested under section 13 of act of September 13, 1888, ch. 1015, 25 Stat., 479 (U. S. Comp. St., 1901, p. 1317). Judgment (D. C., 1903; 126 F., 400) reversed.—(United States *v.* Hung Chang, 134 F., 19; 67 C. C. A., 93.) 1

On appeal from an order of a United States commissioner excluding a Chinese alien to the United States district court, the hearing is de novo, and not on the testimony taken before the commissioner.—(D. C., 1903. United States *v.* Hung Chang, 126 F., 400.) Judgment reversed.—(1904; 134 F., 196; C. C. A., 93.) 2

[U. S., 1894.]

Act of Congress of August 18, 1894 (28 Stat., 390), making the decision of an immigration or customs officer excluding an alien from admission to the United States final, unless reversed on appeal to the Secretary of the Treasury, does not give that officer final jurisdiction to determine whether a person of Chinese descent is a citizen of the United States, but such question may be determined by the courts.—(In re Tom Yum (D. C.), 64 Fed., 485.) 3

The signing by the collector of a return to a writ of habeas corpus stating that he has decided adversely to relator's right to admission is in itself a decision.—(In re Chin Yuen Sing (C. C.), 65 Fed., 571.) 4

[U. S., 1895.]

Since act of September 13, 1888, section 12, providing that the decision of the collector as to the right of any Chinese passenger to enter the United States should be subject to review only by the Secretary of the Treasury, was never in force, having been enacted subject to the ratification of a treaty between the United States and China which was never ratified, the right of a Chinese person to enter the United States may be tried in proceedings of arrest, though the collector has previously decided that he was entitled to enter.—(United States *v.* Loo Way (D. C.), 68 Fed., 475.) 5

[U. S.]

There is nothing in 22 Stat., ch. 126, and 23 Stat., ch. 220, or in the treaty on which they are based making the decisions of the customs officers final or ousting the courts of jurisdiction.—(1887, United States *v.* Jung Ah Lung, 124 U. S., 621; 8 Sup. Ct., 663; 31 L. Ed., 591; 1884, In re Chow Goo Pooi, 25 Fed., 77.) 6

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[U. S., 1894.]

1 Act of August 18, 1894 (28 Stat., 390), provided that—

In every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made, the decision of the appropriate immigration or custom officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of the Treasury.

Held, that the authority of the courts to review the decision of the executive officers in relation to the exclusion of a Chinaman who had formerly conducted business as a merchant in the United States was taken away by this act.—(Lem Moon Sing *v.* United States, 158 U. S., 538; 15 Sup. Ct., 967.)

[U. S., 1885.]

2 The court, in investigating the legality of the detention of a Chinese passenger on board a vessel, is not bound or controlled by the decision of the collector of the port, or his deputy, as to the right of such passenger to land.—(In re Jung Ah Lung, 25 Fed., 141.)

3 The court has jurisdiction to review the refusal to allow a Chinese passenger to land.—(Rev. St., sec. 755. In re Jung Ah Lung, 25 Fed., 141.)

[U. S., 1891.]

4 The presence of a Chinese merchant, otherwise entitled to be in the United States, is not rendered unlawful by the fact that upon his return from a visit to Canada the collector permitted him to land, upon the certificates of private persons and his own personal knowledge, without the viséed certificate required by section 6 of the amended exclusion act (act of Congress July 5, 1884), since that section also provides that "the collector shall in person decide all questions in dispute with regard to the right of any Chinese passenger to enter the United States, and his decision shall be subject to review by the Secretary of the Treasury, and not otherwise.—(United States *v.* Lee Hoy (D. C.), 48 Fed., 825.)

[U. S., 1893.]

5 The right of appeal to a district court, given by act of September 13, 1888, section 13 (25 Stat., 476), to a Chinese person adjudged by a United States commissioner to be unlawfully in the United States, is not taken away by Geary Act of May 5, 1892, section 3 (27 Stat., 25).—(United States *v.* Wong Dep Ken (D. C.), 57 Fed., 203.)

[U. S., 1894.]

6 Act of May 5, 1892, as amended November 3, 1893, provides that a Chinaman must establish by affirmative proof, to the satisfaction of the commissioner, his lawful right to remain in the United States. *Held*, that the finding of a commissioner that a Chinaman is not lawfully in the United States will not be disturbed on appeal unless clearly against the weight of evidence.—(United States *v.* Chung Fung Sun (D. C.), 63 Fed., 261.)

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[U. S. Sup., Ohio, 1904.]

The appeal to "the judge of the district court of the district" authorized by act of September 13, 1888, ch. 1015, sec. 13, 25 Stat., 476 (U. S. Comp. St., 1901, p. 1312), where a Chinese person has been convicted before a United States commissioner of being unlawfully in the United States, is, in effect, an appeal to the district court, and not to the district judge as an individual; and the commissioner's transcript and other papers pertaining to the cause may therefore be filed in that court, and the final order of the judge be entered as the final order of the court.—(In re United States, 24 Sup. Ct., 629; 194 U. S., 194; 48 L. Ed., 931.) 1

[U. S. C. C. A., Wash., 1905.]

Under act of Congress, May 5, 1892, ch. 60, sec. 3, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), providing that any Chinese person arrested shall be adjudged to be unlawfully in the United States unless he shall establish by affirmative proof to the satisfaction of the judge or commissioner his right to remain, the judgment of a district court ordering deportation of a Chinese person will be affirmed on appeal unless the case clearly shows that an incorrect conclusion has been reached.—(Mar Sing *v.* United States, 137 F., 875; 70 C. C. A., 213.) 2

[U. S. C. C. A., Mass., 1906.]

Lee Lung *v.* Patterson (186 U. S., 168; 22 Sup. Ct., 795; 46 L. Ed., 1108). *Held*, to apply to the effect that the decision of the immigration officers refusing to permit a Chinese alien to enter the United States after a hearing had in accordance with the acts of Congress can not be reviewed by the courts in habeas corpus proceedings, although instituted by one domiciled and entitled to remain in the United States who sets up the claim that the person excluded is his minor son and invokes the jurisdiction of the court in his own right. Judgment (Ex parte Wong Sang (D. C., 1905), 143 F., 147, and Ex parte Wong Den, id.) affirmed.—(Wong Sang *v.* United States, 144 F., 968; 75 C. C. A., 383. Wong Den *v.* Same, id. Wong Chow *v.* Same, id. Goon Yin *v.* Same, id.) 3

The decision of the appropriate immigration officers denying Chinese persons entry into the United States, which right was claimed on the ground that they were minors, and their fathers, respectively, were lawful residents of the United States, if not appealed from and no abuse of discretion is shown, is conclusive, and can not be reviewed by the courts.—(D. C., 1905, Ex parte Wong Sang, 143 F., 147. Ex parte Wong Den, id.) Judgment affirmed.—(Wong Sang *v.* United States, 1906, 144 F., 968; 75 C. C. A., 383. Wong Den *v.* Same, id. Wong Chow *v.* Same, id. Goon Yin, *v.* Same, id.) 4

[U. S. C. C. A., Oreg., 1900.]

Where a Chinese person, arrested under section 13 of the exclusion act of September 13, 1888, was ordered deported by a commissioner, and appealed to the district court, where the case was tried de novo, and he was discharged, the Government can not for the first time in a writ of error in the circuit court of appeals raise the objection 5

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that the record filed on appeal was insufficient to give the district court jurisdiction.—(United States *v.* Lee Seick, 100 F., 308; 40 C. C. A., 448.)

[U. S. Sup., Oreg., 1902.]

1 A collector of customs by disregarding the certificates which, by Chinese-exclusion act of July 5, 1884, ch. 220, sec. 6, 23 Stat., 117 (U. S. Comp. St., 1901, p. 1308), are made evidence to establish a right of entry into the United States on the part of the persons presenting them, does not lose his jurisdiction finally to determine the right of such persons to enter the United States. Judgment (In re Lee Lung (D. C., 1900), 102 F., 132) affirmed.—(Lee Lung *v.* Patterson, 22 Sup. Ct., 795; 186 U. S., 168; 46 L. Ed., 1108.)

[U. S. C. C., Oreg., 1899.]

2 Under act of March 3, 1891, as amended by act of August 18, 1894, an imigration officer is given plenary power to exclude all aliens from admission to the United States, subject to review only by the Secretary of the Treasury. He is not required to hear evidence under oath or to make written findings, but it is sufficient if he makes an examination and a decision. His order of exclusion constitutes due process of law, and the evidence upon which he acted can not be reexamined by the courts.—(In re Way Tai, 96 F., 484.)

3 The fact that an appeal taken to the Secretary of the Treasury by an alien from an order of exclusion was determined adversely to the appellant by an Assistant Secretary does not entitle the appellant to release on habeas corpus. If the Assistant Secretary had no authority to act on the appeal, it is still pending.—(In re Way Tai, 96 F., 484.)

[U. S. D. C., Oreg., 1900.]

4 The Chinese-exclusion act (act July 5, 1884, ch. 220, 23 Stat., 116 U. S. Comp. St., 1901, p. 1307), commits the question of the right of a Chinese person to enter this country to the collector of customs, with a right of appeal to the Secretary of the Treasury, and makes their decision final; and the fact that the collector disregards the plain provisions of the statute, and refuses the right to land to one having a certificate of his student character, conforming to the requirements of the law, and which is not controverted by the United States, does not give a court jurisdiction to review his decision.—(In re Lee Ping, 104 F., 678; In re Lum Tow, id.)

[U. S. D. C., Tex., 1899.]

5 While a court, in its discretion, on appeal may permit a Chinese laborer arrested on the Texas side of the Rio Grande and ordered deported by a commissioner, to return to Mexico, where he formerly resided, when satisfied of the truth of his claim, that he entered the United States unintentionally, it will not interfere with the order of deportation, where it appears more probable from the evidence that his entry was intentional.—(Yee Yee Chung *v.* United States, 95 F., 432.)

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[U. S. D. C., Vt., 1901.]

The decision of the customs officer denying the right of a Chinese person to enter the United States is conclusive against his right to remain in this country, when subsequently arrested for deportation, unless reversed on appeal to the Secretary of the Treasury.—(United States *v.* Wong Soo Bow, 112 F., 416.) 1

[U. S. D. C., Vt., 1903.]

The decision of the proper customs or immigration officer adverse to the claim of a person of the Chinese race to nativity in the United States, and denying him entry, is conclusive in subsequent proceedings for his deportation for being unlawfully in this country.—(United States *v.* Lue Yee, 124 F., 303; Same *v.* Lue Gee, id.; Same *v.* Keen Shing, id.) 2

[U. S. D. C., Vt., 1899.]

Under the provisions of the sundry civil appropriation act of August 18, 1894 (28 Stat., 390), which makes the decision of the immigration or customs officers refusing an alien admission into the United States final unless appealed from, such decision is conclusive against the applicant's right to enter as an alien, but not upon the question of his alienage, and does not preclude him from afterwards claiming the right to enter or remain in the United States on the ground that he is a citizen thereof, the question of citizenship being one which was not, and could not be, committed for final decision to executive officers.—(United States *v.* Yee Mun Sang, 93 F., 365.) 3

The decision of a customs officer that a Chinese person is not entitled to enter the United States, made after such person has already entered, and without any application for entry, is not such an adjudication as is made conclusive by the statute.—(United States *v.* Chin Fee, 94 F., 828.) 4

The provisions of the appropriation act of August 18, 1894 (28 Stat., 390), making the decisions of the immigration or customs officers adverse to the right of a Chinese person to enter the United States final, unless reversed on appeal by the Secretary of the Treasury, conferred no new powers on such officers, and their powers under the existing laws as to Chinese persons not laborers are limited to determining the sufficiency of the certificate of such a person to entitle him to entry. The provision relates solely to proceedings on applications to enter, and does not render the decision in such proceedings denying an applicant the right of entry conclusive against his right to remain in the United States after he has entered when challenged b yproceedings for his deportation.—(United States *v.* Chin Fee, 94 F., 828.) 5

In proceedings for the deportation of a Chinese person, where the issue is the citizenship of such person in the United States, the Government can not use as evidence against him private letters, written by him, which its officers obtained by opening envelopes and taking the letters therefrom in violation of the constitutional provisions against unreasonable seizures.—(United States *v.* Wong Quong Wong, 94 F., 832; Same *v.* Wong Chin Shuen, id.) 6

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[U. S. C. C., Me., 1901.]

1 Mere appearance of an attorney and giving notice of an appeal does not constitute an appeal under the Chinese exclusion act of September 13, 1888, ch. 1015, sec. 13, 25 Stat., 479 (U. S. Comp. St., 1901, p. 1317), providing, without pointing out the manner of appeal, that any Chinese person convicted before a commissioner of a United States court may, within ten days from such conviction, appeal to the judge of the district court for the district.—(In re Chow Low, 110 F., 952.)

[U. S. C. C. A., Me., 1901.]

2 The right of appeal given by section 13 of the Chinese exclusion act of September 13, 1888, ch. 1015, 25 Stat., 479 (U. S. Comp. St., 1901, p. 1317), which provides that "any such Chinese person convicted before a commissioner of a United States court may, within ten days from such conviction, appeal to the judge of the district court for the district," is to the judge, as a special tribunal, and not to the district court.—(Chow Low *v.* United States, 112 F., 354; 50 C. C. A., 279.)

3 Under section 13 of the Chinese-exclusion act of September 13, 1888, ch. 1015, 25 Stat., 479 (U. S. Comp. St., 1901, p. 1317), which provides that any Chinese person convicted before a commissioner under the act "may, within ten days from such conviction, appeal to the judge of the district court for the district," such an appeal may be taken by a notice given to the commissioner orally within the ten days and entered of record. When notice is so given, it is not necessary that the matter should be presented to the judge within the ten days to preserve the appellant's right to a hearing on review.—(Chow Low *v.* United States, 112 F., 354; 50 C. C. A., 279.)

4 The proceedings for the deportation of a Chinese person under act of September 13, 1888, ch. 1015, 25 Stat., 476 (U. S. Comp. St., 1901, p. 1312), being anomalous and of a summary character, the absence of any provisions fixing a time within which an appeal from the decision of a commissioner shall be heard by the district judge, it is within his discretion to determine when the delay in bringing the matter before him for hearing is such as to amount to an abandonment of the appeal.—(Chow Low *v.* United States, 112 F., 354; 50 C. C. A., 279.)

[U. S. Sup., 1905.]

5 The decision of the Secretary of Commerce and Labor, affirming the denial of the immigration officers, after examination, of the right of a person of Chinese descent to enter the United States, is no less conclusive on the federal courts, under act of August 18, 1894, ch. 301, sec. 1, 28 Stat., 372, 390 (U. S. Comp. St., 1901, p. 1303), in habeas corpus proceedings, when citizenship is the ground on which the right of entry is claimed, than when the ground is domicile and the belonging to a class excepted from the exclusion acts.—(United States *v.* Ju Toy, 25 S. Ct., 644; 198 U. S., 253; 49 L. Ed., 1040.)

[U. S.]

6 Under the act of August 18, 1894 (28 Stat., 390), the decision of a collector of customs in favor of the right of a Chinese alien to

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enter the country is not final, but the question of his right to enter is subject to reexamination by the courts.—(C. C. A., Alaska, 1898, In re Li Sing, 86 F., 896; 30 C. C. A., 451, affirmed Li Sing *v.* United States (1901), 21 S. Ct. 449; 180 U. S., 486; 45 L. Ed., 634. C. C., N. Y., 1897, In re Li Foon, 80 F., 881, appeal dismissed Li Foon *v.* McCarthy, 96 F., 1005; 37 C. C. A., 664.)

The provisions in the appropriation act of August 18, 1894, declaring the decision of the immigration or customs officers, if adverse to the alien, final, unless reversed by the Secretary of the Treasury, prevents any review of such a decision on habeas corpus.—(C. C. A., Oreg., 1900, United States *v.* Ging Fung, 100 F., 389; 40 C. C. A., 439, reversing judgment In re Ging Fung (C. C., 1898), 89 F., 153. C. C. A., Tex., 1901, United States *v.* Wong Chow, 108 F., 376; 47 C. C. A., 406. D. C., Oreg., 1900, In re Lee Lung, 102 F., 132, affirmed Lee Lung *v.* Patterson (Sup., 1902), 22 S. Ct., 795; 186 U. S., 168; 46 L. Ed., 1108. D. C., Wash., 1898, In re Lee Yee Sing, 85 F., 635.) 1

[U. S., 1896.]

Upon an indictment against the master of a vessel under act of Congress, March 3, 1891, section 8, for knowingly or negligently landing or permitting to land any alien immigrants, the burden of proving such willful or negligent permission is upon the prosecution. Warren *v.* United States (1893), 58 Fed., 559; 7 C. C. A., 368, distinguished and criticized.—(United States *v.* Spruth (D. C.), 71 Fed., 678.) 2

[U. S., 1881.]

It is not necessary that the acts constituting the importation should be set forth.—(United States *v.* Johnson, 7 Fed., 453; 19 Blatchf., 257.) 3

Evidence of the character of a house of assignation kept by the defendant, and of acts done at such house after the woman was imported, and while she lived there with the defendant, relating to the place named in the indictment as that where the purpose of prostitution was to be carried out, is admissible to show the purposes of prostitution laid in the indictment.—(United States *v.* Johnson, 7 Fed., 453; 19 Blatchf., 257.) 4

[U. S., 1893.]

An indictment charging that defendants did knowingly and willfully import and bring into the southern district of New York from Naples, Italy, six women, named, for the purposes of prostitution within the United States, sufficiently charges the offense prescribed by act of March 3, 1875, section 3 (18 Stat., 477), forbidding the knowing and willful importation of women into the United States for the purposes of prostitution.—(United States *v.* Pagliano (C. C.), 53 Fed., 1001.) 5

The indictment was not objectionable in alleging that defendants did "import and bring," etc., whereas the statute merely uses "import"; for, when used in this connection, the words are synonymous.—(United States *v.* Pagliano (C. C.), 53 Fed., 1001.) 6

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1 Such indictment need not allege that the importation was in pursuance of an agreement made prior thereto.—(United States *v.* Pagliano (C. C.), 53 Fed., 1001.)

2 Nor is it necessary to state the place within the United States at which the women were to be used for the purposes of prostitution.—(United States *v.* Pagliano (C. C.), 53 Fed., 1001.)

3 Nor need the indictment specify the kind of prostitution referred to; the word "prostitution" as used therein being sufficiently definite.—(United States *v.* Pagliano (C. C.), 53 Fed., 1001.)

4 Such an indictment need not set out the facts constituting the ultimate fact of importation.—(United States *v.* Pagliano (C. C.), 53 Fed., 1001.)

5 On a prosecution for importing women into the country for purposes of prostitution, evidence that defendants kept a house of prostitution in New York City for three years prior to the indictment is admissable to prove defendants' occupation and the intent of the importation.—(United States *v.* Pagliano (C. C.), 53 Fed., 1001.)

6 The contents of the baggage of the women so imported being material on the question of their character, evidence that one defendant had possession of the checks for all such baggage was competent to show his connection with the importation, and, in the absence of explanation, justified the conclusion that he committed the offense charged.—(United States *v.* Pagliano (C. C.), 53 Fed., 1001.)

7 On a prosecution for bringing women into the country for purposes of prostitution, a verdict of guilty will not be disturbed on motion for a new trial on the ground that the court was without jurisdiction, the evidence rendering it doubtful whether the importation was not into another district, where no such objection was taken at the trial or presented by the record.—(United States *v.* Pagliano (C. C.), 53 Fed., 1001.)

[U. S. C. C., N. Y., 1908.]

8 An indictment charging the master of a vessel with having permitted a Chinese laborer to land in the United States from his vessel in violation of act of September 13, 1888, ch. 1015, sec. 9, 25 Stat., 478 (U. S. Comp. St., 1901, p. 1316), *held* to sufficiently negative the exceptions contained in section 10 of the act, where it averred that the said Chinese person was not landed by reason of "any necessity."—(United States *v.* Graham, 164 F., 654.)

[U. S. Sup., Hawaii, 1905.]

9 Act of Congress March 3, 1891, ch. 551, 26 Stat., 1086 (U. S. Comp. St., 1901, p. 1299), makes guilty of a misdemeanor the owner of a vessel, who, having received back on board aliens ordered to be deported, neglects to detain them thereon, or refuses or neglects to return them to the port from which they came. In a prosecution under this act, it was stipulated that in returning Japanese immigrants defendant's steamship arrived at Honolulu; that the immigrants were locked in a room, and between midnight and 5 o'clock effected their escape through a porthole nearly 25 feet from the

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water; that this method of escape could not have been reasonably anticipated by the master or officers; and that the escape did not occur by reason of any negligence or lack of proper care on their part. The court below made no finding of fact further than that defendant was guilty as charged. *Held*, that as, notwithstanding the stipulation as to absence of negligence, the court might have found that defendant's agents were negligent, the question of liability in the absence of negligence was not presented for review.—(1903, H. Hackfeld & Co. *v.* United States, 125 F., 596; 60 C. C. A., 428; reversed (1905), 25 S. Ct., 456; 197 U. S., 442; 49 L. Ed., 826.)

Ship owners who have wrongfully brought aliens into the United States, and have received them back on board the vessel, for deportation, are not made absolute insurers of the return of the immigrants to the port from whence they came, by act of March 3, 1891, ch. 551, sec. 10, 26 Stat., 1084 (U. S. Comp. St., 1901, p. 1299), punishing as a misdemeanor the "neglect" to detain the persons so received, or to return them to that port; but nothing more is required than a faithful and careful effort to carry out the duty so imposed. Judgment (1903), 125 F., 596; 60 C. C. A., 428, reversed.—(H. Hackfeld & Co. *v.* United States, 25 S. Ct., 456; 197 U. S., 442; 49 L. Ed., 826.) 1

[U. S. C. C. A., Hawaii, 1905.]

The duty imposed on the owners, masters, and agents of ships bringing alien immigrants to a port of the United States by act March 3, 1891, ch. 551, secs. 8, 10, 26 Stat., 1085, 1086 (U. S. Comp. St., 1901, pp. 1298, 1299), to "adopt due precautions to prevent the landing of any alien immigrant at any place or time other than that designated by the inspection officers," and to detain such immigrants as may be rejected on board until they are returned, does not make a shipowner, master, or agent an insurer of the safe-keeping of alien immigrants while detained for inspection in the custody of inspection officers at a place on land designated by such officers, and they can not be convicted of a violation of such provisions because of the escape of immigrants while so held without their fault or negligence.—(H. Hackfeld & Co. *v.* United States, 141 F., 9; 72 C. C. A., 265.) 2

[U. S. C. C. A., 1903.]

Where, in a prosecution for aiding and abetting the illegal landing of Chinese laborers, the indictment alleged that the landing was effected from a foreign steamship lying in the port of T., and that such laborers had been brought into the United States at such port on such steamship from the Empire of China, it was not objectionable in that it showed that the Chinese alleged to have been landed had already entered the United States.—(Sims *v.* United States, 121 F., 515; 58 C. C. A., 92.) 3

[U. S. C. C. A., Wash., 1903.]

In a prosecution for aiding and abetting the landing of certain Chinese, prohibited by act of July 5, 1884, an indictment charging that defendants did unlawfully and knowingly land, and aid and abet in landing, in the United States, from a certain foreign steam- 4

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ship specified, then lying at the port of T., three certain male Chinese laborers, named, each of whom was not lawfully entitled to enter the United States, who had previously been brought on such steamship from the Empire of China, was not demurrable for failure to set out the facts constituting the alleged unlawful landing.—(Sims *v.* United States, 121 F., 515; 58 C. C. A., 92.)

1 Act of July 5, 1884 (23 Stat., 117, ch. 220; U. S. Comp. St., 1901, p. 1305), prohibited any person from aiding and abetting the landing of any Chinese person not lawfully entitled to enter the United States, and declared that the act should be in force ten years. On May 5, 1892, before the prior act had expired, the laws relating to the exclusion of Chinese were reenacted for a further period of ten years. Rev. Stat., sec. 13, act of Feb. 25, 1871, ch. 71, 16 Stat., 432 (U. S. Comp. St., 1901, p. 6), declares that the repeal of any statute shall not release or extinguish any penalty incurred thereunder unless the repealing act shall expressly so provide, but such statute shall be treated as remaining in force to sustain any action or prosecution for the enforcement of any penalty. *Held*, that where an offense against the exclusion act was alleged to have been committed on February 15, 1902, an indictment therefor not brought until after the expiration of the time limited by the act of May 5, 1892 (27 Stat., 25, ch. 60, U. S. Comp. St., 1901, p. 1319), was not demurrable, since the exclusion act was continued in force as to such offense by section 13.—(Sims *v.* United States, 121 F., 515; 58 C. C. A., 92.)

2 Act of July 5, 1884, provides that any person who shall "knowingly" bring into or cause to be brought into the United States, or aid or abet the landing in the United States, from any vessel, any Chinese person, etc., shall on conviction be punished. *Held*, that the word "knowingly," as so used, referred to knowledge of the fact of landing and not knowledge that the Chinese landed were not legally entitled to enter the United States.—(Sims *v.* United States, 121 F., 515; 58 C. C. A., 92.)

3 Under act of July 5, 1884, prohibiting any person from aiding or abetting the landing of any Chinese person brought into the United States from any vessel, an indictment charging defendants with "aiding and abetting," and immediately thereafter charging them with "landing" Chinese, was not objectionable for repugnancy, since, as defendants were liable as principals for aiding and abetting the commission of the offense, the further charge of "landing the Chinese" was surplusage, and not repugnant to the other charge.—(Sims *v.* United States, 121 F., 515; 58 C. C. A., 92.)

[U. S. D. C., R. I., 1906.]

4 A chronometer, which is one of the appurtenances of a vessel seized under Chinese-exclusion act, May 6, 1882, ch. 126, sec. 10, 22 Stat., 61 (U. S. Comp. St., 1901, p. 1309), for a willful violation of such act by the master, is not exempt from forfeiture because of the fact that it is not the property of the owners of the vessel, but was leased to them by the owner to be used as a necessary part of the vessel's equipment.—(The *Frolic*, 148 F., 921.)

5 An agreement by the owner to sell a schooner, to be paid for in installments, under which he put the purchaser in possession and

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appointed him master, with the right to use the vessel and receive her earnings, although retaining title until full payment of the purchase price, was sufficient to authorize the purchaser to appoint another master, and to render her subject to condemnation and sale, under Chinese-exclusion act, May 6, 1882, ch. 126, sec. 10, 22 Stat., 61 (U. S. Comp. St., 1901, p. 1309), for the knowing and willful violation of the provisions of such act by the new master so appointed.—(The *Frolic*, 148 F., 918.)

In Chinese-exclusion act, May 6, 1882, ch. 126, sec. 10, 22 Stat., 61 (U. S. Comp. St., 1901, p. 1309), which provides that "every vessel whose master shall knowingly violate any provisions of this act shall be deemed forfeited to the United States and shall be liable to seizure and condemnation," etc., the word "vessel" is broad enough to include the vessel's tackle, apparel, furniture, and appurtenances.—(The *Frolic*, 148 F., 921.) 1

[U. S. C. C. A., Conn., 1903.]

An advertisement in an English newspaper: "Wanted—First-class weavers, on fine combed work. * * * First-class weavers can earn per week 35s. to £2. * * * Baltic Mills Company, * * * Baltic, Conn., U. S. A.," is within act of March 3, 1891, ch. 551, sec. 3, 26 Stat., 1084 (U. S. Comp. St., 1901, p. 1295), amending alien contract labor law, act Feb. 26, 1885, ch. 164, sec. 1, 23 Stat., 332 (U. S. Comp. St., 1901, p. 1290), and making it penal to "assist or encourage" migration of aliens "by promise of employment through advertisements" published in a foreign country, provided this shall not apply to States advertising the inducements they offer for immigration to such States. Judgment (D. C., 1902) 117 F., 959, reversed.—(United States *v.* Baltic Mills Co., 124 F., 38; 59 C. C. A., 558.) 2

[U. S. C. C., N. Y., 1901.]

Act of March 3, 1875, ch. 141, sec. 3, 18 Stat., 477 (U. S. Comp. St., 1901, p. 1286), which provides that "whoever shall knowingly and willfully import or cause any importation of women into the United States for the purposes of prostitution, or shall knowingly or willfully hold, or attempt to hold, any woman to such purposes in pursuance of such illegal importation and contract or agreement, shall be deemed guilty of a felony," etc., does not make it an offense to attempt to import for such purposes; and where a woman brought other women into this country under an agreement to furnish them with legitimate employment, the mere fact that during the voyage she proposed to them that they engage in prostitution after their arrival, which proposal they at once rejected, does not subject her to prosecution under such statute.—(In re Guayde, 112 F., 415.) 3

[U. S. C. C., N. Y., 1904.]

Section 9 of act of March 3, 1903, 32 Stat., 1215 (U. S. Comp. St. Supp., 1903, p. 175), making it unlawful for any person, transportation company, etc., to bring to the United States any alien afflicted with a loathsome or with a dangerous contagious disease, and providing that if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought into the United 4

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States was afflicted with such a disease "at the time of foreign embarkation, and that the existence of such disease might have been detected by means of a competent medical examination at such time," such person or transportation company shall pay a fine to the collector, to be enforced by withholding clearance papers from the vessel until its payment, is intended to apply only to a case where a diseased person is brought in by a vessel as a passenger or voluntarily, and when the vessel owner or transportation company has an opportunity to discover the existence of the disease by means of a medical examination before the alien is taken on board; and a vessel owner can not be subjected to the penalty for bringing into port an alien who has stolen his passage and whose presence on the vessel was not discovered before her sailing.—(Cunard S. S. Co. *v.* Stranahan, 134 F., 318.)

[U. S. C. C., Pa., 1902.]

1 Where, after a family of immigrants had been excluded by the Government for a contagious disease, the steamship company agreed to become responsible for them on proper security being furnished, in accordance with a modified order by the Government, but thereafter deported them without giving a reasonable time to furnish such security, the steamship company could not defend an action for damages so caused, on the ground that the deportation was an act of the law.—(Kahaner *v.* International Nav. Co., 117 F., 979.)

[U. S. C. C. A., Mich., 1904.]

2 The bringing of an alien into the United States under contract to work on a farm as a laborer, under the direction of others, is within the prohibition of act of February 26, 1885, ch. 164, 23 Stat., 332 (U. S. Comp. St., 1901, p. 1290), as amended, which makes it unlawful to assist in the immigration of any alien under a contract "to perform service or labor of any kind," with certain exceptions; such employment not being within any of the excepted classes.—(United States *v.* Parsons, 130 F., 681; 66 C. C. A., 129.)

[U. S. C. C. A., Cal., 1904.]

3 Act of March 3, 1891, ch. 551, 26 Stat., 1084 (U. S. Comp. St., 1901, p. 1294), entitled "An act in amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor," clearly relates to immigration, and applies only to the entry into the United States of immigrants who, according to standard definitions of the term, are persons removing into the country for the purpose of permanent residence, and the penalty imposed by section 10, 26 Stat., 1086 (U. S. Comp. St., 1901, p. 1299), on the master of a vessel for neglecting to detain on his vessel any "alien who may unlawfully come to the United States" on such vessel, or to return him to the port from which he came, must be construed in the light of such general purpose, and limited in its application to cases of alien immigrants.—(Moffit *v.* United States, 128 F., 375; 63 C. C. A., 117.)

4 Defendant was indicted under act of March 3, 1891, ch. 551, sec. 10, 26 Stat., 1086 (U. S. Comp. St., 1901, p. 1299), for neglecting to

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detain on the steamship of which he was master an alien not entitled to land in the United States, by reason of which neglect the alien escaped and landed in the United States. On the trial the following facts were shown by an agreed statement: When defendant's ship was anchored off shore at a Mexican port a number of native peddlers came on board to sell their wares. When one of them came on deck to go ashore he found that the vessel had started and proceeded some distance. Defendant refused his request that he be taken back and landed, but promised to stop and leave him on the return trip, and thereupon put him to work, but without placing him on the crew list. On arriving at San Francisco an immigration officer notified defendant not to land the Mexican without permission, but the latter stated he did not wish to land, but wanted to be taken back home, and he was not confined. Just before the vessel sailed, however, he left it without the consent or knowledge of defendant or any of his officers, and had not returned when she left the port. *Held*, that such facts were not sufficient to warrant defendant's conviction, the alien not being an immigrant within the meaning and intent of the act, whom defendant was required to put into irons or keep under guard to secure his return on the vessel, and there being no evidence or claim that he did not act in good faith.—(Moffit *v.* United States, 128 F., 375; 63 C. C. A., 117.)

[U. S. C. C. A., Ala., 1899.]

1 The immigration laws have no application to alien seamen who constitute the bona fide crew of a vessel trading in the ports of the United States, and who enter such ports with their ship in the discharge of the duties of their employment, without any intention of becoming residents of this country; and the master of a vessel can not be subjected to the fine or refusal of his clearance papers, provided by the act of March 3, 1891, as a penalty for refusing to return upon his vessel immigrants of the prohibited classes brought into this country, because an alien seaman, who is one of the crew, escapes from his ship while in port, before the expiration of his term of service, without having been discharged or paid, and without the consent or knowledge of the master, and the master is unable to secure his arrest and return to the ship.—(United States *v.* Burke, 99 F., 895.)

[U. S. Sup., N. Y., 1907.]

2 The provisions of act of March 3, 1903, ch. 1012, sec. 18, 32 Stat., 1217 (U. S. Comp. St. Supp., 1905, p. 283), requiring officers of any vessel bringing an alien to the United States to "adopt due precautions" to prevent the landing of any such alien at any time or place other than that designated by the immigration officers, and making any person in charge of a vessel liable to prosecution if he shall "land or permit to land" any alien except at such designated time and place, are to be construed together, and the master of a ship can not be held liable for the unlawful landing of an alien from his vessel if he adopted due precautions to prevent it.—(Taylor *v.* United States, 152 F., 1; 81 C. C. A., 197; judgment affirmed, United States *v.* Macdonald, 28 S. Ct., 53; 207 U. S., 120; Adv. S. U. S., 53; 52 L. Ed., —.)

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1 In immigration act of March 3, 1903, ch. 1012, sec. 18, 32 Stat., 1217, (U. S. Comp. St. Supp., 1905, p. 283), which requires officers of vessels to take due precautions to prevent aliens from landing therefrom, except at the time and place designated by the immigration officers, the word "aliens" is used in its broad and full meaning and is not restricted to alien immigrants, but includes as well aliens who are members of the ship's crew. While the master of a vessel is not required to prevent officers or members of his crew who are aliens from going on shore in a port of the United States in every case, such section requires him to take reasonable precautions suited to the nature of the case to prevent them from deserting and remaining in this country.—(Taylor v. United States, 152 F., 1; 81 C. C. A., 197; judgment affirmed, United States *v.* Macdonald, 28 S. Ct., 53; 207 U. S., 120; Adv. S. U. S., 53; 52 L. Ed. —.)

[U. S. C. C. A., Wash., 1908.]

2 Where an alien lawfully came into the country as a member of the crew of a foreign vessel, his subsequent desertion of the vessel did not make his arrival unlawful, unless such desertion was permitted or in some way aided or connived at by an officer or agent of the vessel.—(Frank Waterhouse & Co. *v.* United States, 159 F., 876; 76 C. C. A., 56.)

3 Where there was no evidence that anyone connected with a vessel from which an alien escaped into the United States permitted or in any way connived at the alien's desertion, neither the master nor the agents of the vessel were guilty of an offense under exclusion act of March 3, 1903, ch. 1012, sec. 18, 32 Stat., p. 1217, requiring the owners, officers, and agents of vessels bringing any alien to the United States to adopt precautions to prevent their landing at any other time or place than those designated by the immigration officers, and declaring that any such owner, agent, or person in charge of the vessel, permitting any alien to land contrary to such regulations, shall be guilty of a misdemeanor.—(Frank Waterhouse & Co. *v.* United States, 159 F., 876; 87 C. C. A., 56.)

4 Where an alien deserted from the vessel on which he was brought to the United States, but there was no evidence that he was either insane, epileptic, a pauper, or a person likely to become a public charge when the vessel arrived in port, or at any other time when he was on board, nor until a month later, when he was arrested, and when he first gave evidence of insanity, the master was not chargeable with bringing an alien not entitled to land into the United States under exclusion act of March 3, 1903, ch. 1012, sec. 2, 32 Stat., p. 1214, excluding idiots, insane persons, epileptics, paupers, and persons likely to become a public charge.—(Frank Waterhouse & Co. *v.* United States, 159 F., 876; 87 C. C. A., 56.)

[U. S., N. Y., 1908.]

5 The importation of an alien woman into the United States in order that she may live with the person importing her as his concubine is for an immoral purpose within the meaning of act of February 20, 1907, ch. 1134, 34 Stat., 898 (U. S. Comp. St. Supp., 1907,

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p. 389), making it a crime against the United States to import alien women for the purposes of prostitution or for any other immoral purpose. Judgment (C. C., 1907), 155 F., 938, reversed.—(United States *v.* Bitty, 28 S. Ct., 396; 208 U. S., 393; 52 L. Ed., 543.)

[U. S. D. C., Del., 1906.]

To warrant the conviction of a defendant charged with a violation of act of March 3, 1903, ch. 1012, 32 Stat., 1214 (U. S. Comp. St. Supp., 1905, p. 276), which provides that "the importation into the United States of any woman or girl for the purposes of prostitution is hereby forbidden, and whoever shall import or attempt to import any woman or girl into the United States for the purposes of prostitution, or shall hold or attempt to hold any woman or girl for such purposes in pursuance of such illegal importation, shall be deemed guilty of a felony," where the charge is that of holding a woman so imported by defendant and another for the purposes of prostitution, it must be shown that defendant, either alone or in connection with such other, knowingly and willfully imported, or caused to be imported, such woman for the purposes of prostitution, and thereafter, to effect the object of such illegal importation, knowingly and willfully held such woman for such purposes. It is not necessary that defendant should have detained such woman by physical force, but it is sufficient to constitute a holding within the meaning of the statute if such woman was detained for the purposes of prostitution by physical means applied to her either directly or indirectly by defendant, or by threats, expressed or implied, directly or indirectly made to her by defendant, or by commands made to her directly or indirectly by defendant and calculated and operating to restrain her freedom of action and will. To warrant a conviction for attempting to hold the same proof is required, except that it is not necessary that the means used should have been successful.—(United States *v.* Giuliani, 147 F., 594.) 1

[U. S. C. C. A., Hawaii, 1905.]

The duty imposed on the owners, masters, and agents of ships bringing alien immigrants to a port of the United States by act of March 3, 1891, ch. 551, secs. 8, 10, 26 Stat., 1085, 1086 (U. S. Comp. St., 1901, pp. 1298, 1299), to "adopt due precautions to prevent the landing of any alien immigrant at any place or time other than that designated by the inspection officers," and to detain such immigrants as may be rejected on board until they are returned, does not make a shipowner, master, or agent an insurer of the safe-keeping of alien immigrants while detained for inspection in the custody of inspection officers at a place on land designated by such officers, and they can not be convicted of a violation of such provisions because of the escape of immigrants while so held without their fault or negligence.—(H. Hackfeld & Co. *v.* United States, 141 F., 9; 72 C. C. A., 265.) 2

[U. S. D. C., Oreg., 1907.]

The master of a vessel is not subject to the penalty prescribed by section 19 of immigration act of February 20, 1907, ch. 1134, 34 Stat., 898 (U. S. Comp. St. Supp., 1907, p. 389), for failing to detain on 3

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board his vessel and return thereon to their own country aliens brought by him to the United States and who are not entitled to enter under the law, in a case where such aliens were shipped by him in a foreign port as seamen for the round voyage, and after being refused admission to the United States and returned to his vessel they escaped, notwithstanding all reasonable efforts made by him in good faith to detain them short of putting them in irons.—(United States *v.* Hemet, 156 F., 285.)

[U. S. D. C., Ala., 1908.]

1 The provision of immigration act of February 20, 1907, sec. 15, ch. 1134, 34 Stat., 903 (U. S. Comp. St. Supp., 1907, p. 398), that the master of any vessel bringing aliens into the United States who shall fail to deliver to the immigration officers at the port of arrival lists or manifests of all aliens on board as required by sections 12 and 13, and containing the information therein specified, "shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid," is penal in its nature and must be strictly construed, and so construed it does not impose such penalty for the giving of incorrect or false information in such list where it includes all the aliens on board and purports to give the required information as to each.—(United States *v.* Four Hundred and Twenty Dollars, 162 F., 803.)

[U. S. Sup., N. Y., 1908.]

2 In the provision of immigration act of February 29, 1907, ch. 1134, sec. 3, 34 Stat., 899, making it a felony "to import * * * into the United States any alien woman or girl for the purpose of prostitution or for any other immoral purpose," the words "any other immoral purpose" must be construed with reference to the preceding word "prostitution," and to relate only to a like immoral purpose, and, so construed, can not be held to include concubinage.—(C. C. 1907, United States *v.* Bitty, 155 F., 938; judgment reversed (1908), 28 S. Ct., 396; Adv. S. U. S., 396, 52 L. Ed., —.)

[U. S. Sup., N. Y., 1907.]

3 The ordinary case of a sailor deserting while on shore leave is not comprehended by the provisions of immigration act of March 3, 1903, ch. 1012, sec. 18, 32 Stat., 1213, 1217, making it the duty of any officer in charge of any vessel bringing an alien to the United States to adopt precautions to prevent the landing of such alien at any time or place other than that designated by the immigration officers, and punishing him if he lands or permits to land any alien at any other time or place, notwithstanding the omission from this section of the word "immigrant," which had followed the word "alien" in the earlier acts.—(Judgment (C. C. A.), 152 F., 1, affirmed. Taylor *v.* United States, 28 S. Ct., 53; 207 U. S., 120; Adv. S. U. S., 53; 52 L. Ed. —. United States *v.* MacDonald, id. Schrotter *v.* United States (C. C. A., 1908), 157 F., 1005.)

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[U. S. Sup., N. Y., 1907.]

The fact that an alien seaman deserting while on shore leave was a stowaway under order of deportation does not bring the case within the provisions of immigration act, March 3, 1903, ch. 1012, sec. 18, 32 Stat., 1213, 1217, making it the duty of any officer in charge of any vessel bringing an alien to the United States to adopt precautions to prevent the landing of such alien at any time or place other than that designated by the immigration officers, and punishing him if he lands or permits to land any alien at any other time or place.—(Judgment (C. C. A.), 152 F., 1, affirmed. Taylor *v.* United States, 28 S. Ct., 53; 207 U. S., 120; Adv. S. U. S., 53; 52 L. Ed., —. United States *v.* MacDonald, id. Schrotter *v.* United States (C. C. A., 1908), 157 F., 1005.) 1

[U. S. D. C., Cal., 1904.]

Where a Chinese laborer escaped from the custody of the master of the vessel in which he was brought to a port of the United States, after being transferred to a detention shed pending determination of his right to enter, without the permission, connivance, knowledge, or negligence of such master, the latter was not guilty of knowingly permitting such Chinese person to land in the United States, within act of Congress, May 6, 1882, ch. 126, sec. 2, 22 Stat., 59, as amended by act of July 5, 1884, ch. 220, 23 Stat., 115 (U. S. Comp. St. 1901, p. 1306).—(United States *v.* Seabury, 133 F., 983.) 2

The transfer of a Chinese person from the vessel in which he was brought to the United States to a detention shed maintained by the owners of the vessel on their dock, where he was detained under guard pending determination of his right to enter the United States, did not constitute a "landing" of such person within act of Congress, May 6, 1882, ch. 126, sec. 2, 22 Stat., 59, as amended by act of July 5, 1884, ch. 220, 23 Stat., 115 (U. S. Comp. St., 1901, p. 1306), prohibiting the master of any vessel from knowingly landing, or permitting to be landed, any Chinese laborers, etc.—(United States *v.* Seabury, 133 F., 983.) 3

[U. S., 1893.]

Under act of March 3, 1891 (immigration act), the agent of a vessel who is ordered to detain on board and return immigrants unlawfully brought to this country is bound to so detain them at all hazards, and will only be relieved therefrom by vis major or inevitable accident.—(Warren *v.* United States, 58 Fed., 559; 7 C. C. A., 368.) 4

[U. S., 1891.]

Where a stowaway, found upon a British vessel soon after leaving Liverpool, is in good faith regularly enrolled as a member of the crew for the voyage to New Orleans and return, his status is thereby fixed as a British sailor, and he can not be regarded as a destitute alien immigrant, so as to charge the master, upon arrival at New Orleans, with the duties and penalties imposed by act of Congress, March 3, 1891, in respect to the immigration and importation of aliens; and the fact that such sailor deserts while in port does not affect the master's responsibility.—(United States *v.* Sandrey (C. C.), 48 Fed., 550.) 5

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[U. S., 1893.]

1 In a libel by the United States against a vessel for breach of the revenue laws, an allegation that her master attempted to land Chinese laborers at a port of the United States does not charge a crime.—(United States *v. The Haytian Republic* (D. C.), 57 Fed., 508.)

[U. S., 1890.]

2 The Chinese-restriction act of 1882, as amended in 1884 (23 Stat., 117), provides that every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States and shall be liable to seizure and condemnation. *Held*, that a vessel stolen from its owner and used, while out of his control, without his knowledge or consent, in bringing Chinese laborers into the United States in violation of law, does not become liable to seizure and forfeiture. To work a forfeiture of a vessel, the master must knowingly violate the statute. A person in control of a stolen vessel is not master of the vessel in the sense in which the term is applied to an officer in the statute.—United States *v. Geo. E. Wilton*, 43 Fed., 606.)

[U. S. C. C., N. J., 1902.]

3 Under act of February 26, 1885, ch. 164, sec. 3, 23 Stat., 332 (U. S. Comp. St., 1901, p. 1291), providing that a person knowingly assisting the importation of any alien into the United States under a contract to perform labor or services therein shall forfeit $1,000, which may be sued for and recovered as debts of like amount are now recovered, and also on general principles, an action for debt is the proper form for the recovery of such penalty, the sum being certain.—(United States *v.* McElroy, 115 F., 252.)

4 In an action to recover the penalty imposed by act of February 26, 1885, ch. 164, 23 Stat., 332 (U. S. Comp. St., 1901, p. 1290), for assisting the importation of an alien into the United States under contract to perform labor or services therein, a declaration alleging that he was "to perform labor and services as a workman in a certain factory or manufacturing plant of said defendant, and not as private secretary," etc.—negativing the various specially excepted classes, but not otherwise showing the character of labor or services in which he was to be employed—is insufficient, being too general.—(United States *v.* McElroy, 115 F., 252.)

[U. S. C. C., N. J., 1902.]

5 In an action to recover the penalty imposed by act of February 26, 1885, ch. 164, 23 Stat., 332 (U. S. Comp. St., 1901, p. 1290), for assisting the importation of an alien into the United States under a contract to perform labor or services therein, a declaration alleging, in the language of the statute, that defendant "assisted, encouraged, and solicited" the immigrant, without showing what acts of assistance, etc., were rendered, is insufficient.—(United States *v.* McElroy, 115 F., 252.)

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[U. S. C. C. A., Ind., 1899.]

In an action for the penalty for violation of acts of February 26, 1885, and March 3, 1891, a declaration is insufficient which fails to show the character of the labor which the immigrant was to perform, or the terms of the contract, at least in substance, under which he came to this country, and which fails to allege definitely that he actually came here pursuant to the contract, or to set forth the acts done by the defendant to assist or procure his immigration.—(1897, United States *v.* Gay (C. C.), 80 F., 254; judgment affirmed, 95 F., 226; 37 C. C. A., 46.) 1

[U. S. D. C., Cal., 1901.]

The alien contract labor law, act of February 26, 1885, ch. 164, sec. 3, 23 Stat., 332 (U. S. Comp. St., 1901, p. 1291), which provides that the penalty thereby imposed for its violation "may be sued for and recovered by the United States or by any person who shall first bring his action therefor, * * * the proceeds to be paid into the Treasury of the United States," and, further, that it shall be the duty of the district attorney to prosecute every such suit at the expense of the United States, does not authorize a private individual to maintain an action to recover such penalty for his own use; nor does the amendatory act of October 19, 1888, ch. 1210, 25 Stat., 565 (U. S. Comp. St., 1901, p. 1294), which authorizes the Secretary of the Treasury, in his discretion, to pay to an informer a share of the penalty recovered.—(Rosenberg *v.* Union Iron Works, 109 F., 844.) 2

[U. S. C. C., Ala., 1899.]

The right to enforce a penalty against a foreign ship for an alleged violation of the immigration laws is essentially a judicial right, and when it is attempted by an executive officer to constrain the shipmaster to pay such penalty, or when clearance is refused his ship for failure to pay such penalty, the courts are not excluded from consideration of the question by the act of August 18, 1894, which makes the decision of such officer conclusive only as to the status of immigrants.—(United States *v.* Burke, 99 F., 895.) 3

[U. S. Sup., N. Y., 1907.]

The master of a vessel on trial for permitting an alien member of his crew to leave his vessel in New York, in violation of act of March 3, 1903, ch. 1012, sec. 18, 32 Stat., 1217 (U. S. Comp. St. Supp., 1905, p. 283), was properly allowed to be asked on his cross-examination as a witness whether a number of other alien members of his crew did not also desert in that port, as material to the question whether or not he took due precautions to prevent aliens from leaving the vessel, as required by the statute.—(Taylor *v.* United States, 152 F., 1; 81 C. C. A., 197. Judgment affirmed, United States *v.* Macdonald, 28 Sp. Ct., 53; 207 U. S., 120. Adv. S. U. S., 53; 52 L. Ed., —.) 4

[U. S. Sup., 1909.]

The penalty incurred under act of March 3, 1903, ch. 1012, secs. 4, 5, 32 Stat., 1214, for inducing an alien to migrate to the United States for the purpose of performing labor there, may be recovered 5

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by a civil action of debt brought by the United States.—(Hepner *v.* United States, 29 S. Ct., 474; 213 U. S., 103; 53 L. Ed., —.)

1 The court may direct a verdict for the Government plaintiff in an action for the penalty incurred under act of March 3, 1903, ch. 1012, secs. 4, 5, 32 Stat., 1214, for inducing an alien to migrate to the United States for the purpose of performing labor there, where undisputed testimony shows that defendant has committed the offense out of which the cause of action arises.—(Id.)

[N. Y., 1826.]

2 If a master of a vessel arriving from a foreign country, who shall enter his vessel at the custom-house in the city of New York, suffer an alien passenger to land there without giving, if required, the bond as required by 2 Rev. Laws, 441, or such permission in writing as required by such statute unless it be refused on demand, he incurs the penalty mentioned in such statute.—(New York *v.* Staples, 6 Cow., 169.)

[Mass., 1851.]

3 A bond, given by the master or owner of a vessel arriving within the State with alien passengers on board, to the boarding officer duly appointed by the city of Boston, under Statutes, 1837, chapter 238, section 1, in the penal sum of $65,000, reciting that 65 of such alien passengers, named therein, have been landed and now reside in the city of Boston, who, in the opinion of the overseers of the poor of the city, are likely to become chargeable to the Commonwealth for their support, and conditioned to indemnify the city and Commonwealth from all charge and expense which may arise from such passengers for the term of ten years, does not conform to Statutes, 1837, chapter 238, section 2, (1) because it is in the sum of as many thousand dollars as there are passengers, and not in the sum of $1,000 for each passenger; (2) because it does not show that the boarding officer made the examination required by the statute, to ascertain whether any of the passengers came within the description of persons for whom he had a right to exact a bond; and (3) because it does not show that the passengers named were lunatic or indigent persons, incompetent, in the opinion of the boarding officer, to maintain themselves, or who had been paupers in any other country.—(Boston *v.* Capen, 61 Mass. (7 Cush.), 116.)

4 In an action on a bond given by a master of a vessel arriving within the State with alien passengers on board, as provided by Statutes, 1837, chapter 238, section 1, it must be proved that there were in fact passengers on board for whom the boarding officer could legally exact a bond.—(Boston *v.* Capen, 61 Mass. (7 Cush.), 116.)

[U. S., 1886.]

5 The offense of assisting the immigration of an alien laborer under contract to work here is not complete until such alien has entered the territory of the United States.—(United States *v.* Craig, 28 Fed., 795.)

[U. S., 1890.]

6 A declaration in debt for the penalty imposed by act of February 26, 1885, forbidding the importation of foreigners under contract

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for labor, which fails to allege that the foreign laborer did actually immigrate to this country, and that the defendant when he assisted him to migrate knew that he was under contract, is fatally defective.—(United States *v.* Craig (1886), 28 Fed., 795, followed; United States *v.* Borneman, 41 Fed., 751.)

[U. S., 1892.]

In an action to recover a penalty for violating the contract labor law (act of Feb. 26, 1885), a complaint alleging that defendant offered to one of its employees in Canada to continue his employment if he would come to the United States, and that in consideration of such promise, and in pursuance of such agreement, he did come to the United States and work for the defendant, is sufficient to show the acceptance of the offer in Canada, under Comp. St. Mont. div. 1, sec. 100, providing that pleadings shall be liberally construed, with a view to substantial justice.—(United States *v.* Great Falls and C. Ry. Co. (C. C.), 53 Fed., 77.) 1

[U. S., 1895.]

An action by the United States to recover the statutory penalty for violation of act of 1885, chapter 164, section 3, relating to alien contracts for labor, is an action for tort, and hence there is no privilege of exemption from arrest therein.—(United States *v.* Banister (C. C.), 70 Fed., 44.) 2

A suit in the United States circuit court for the penalty provided by act 1885, chapter 164, section 3, for violation of the provisions of that act relating to alien contracts for labor, may be properly begun by capias in accordance with the state law.—(United States *v.* Banister (C. C.), 70 Fed., 44.) 3

In an action to recover the penalty imposed by the contract labor law (23 Stat., 332, ch. 164, sec. 1, as amended by 26 Stat., 1084, ch. 551), the declaration should contain a particular allegation of a contract between defendant and the alien whose migration is alleged to have been assisted, setting forth categorically in what such contract consisted, a distinct statement that labor was performed under such contract, and a distinct statement of the acts by which defendant assisted the alien to immigrate.—(United States *v.* River Spinning Co. (C. C.), 70 Fed., 978.) 4

[U. S. C. C., Mich., 1886.]

A civil action for the penalty prescribed by section 3 of act of Congress, February 26, 1885, prohibiting the importation of alien laborers, will lie in the district into which he enters, or in any other district in which defendant may be found.—(United States *v.* Craig (C. C.), 28 F., 795.) 5

A warrant for the arrest of a Chinese person under the act of September 13, 1888, will not be refused by a district judge merely upon the ground that the executive department is without the funds that would be necessary to deport such person if he were found unlawfully in the country under the act of May 5, 1892, the judge having no judicial knowledge of the lack of funds.—(In re Lintner, 57 F. R., 587, Dist. Ct., Aug. 30, 1893.) 6

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1 An arrest upon formal complaint under oath is not a necessary prerequisite to an order of deportation.—(Chan. Gun *v.* U. S., 9 App. Cas. (D. C.), 290, Dist. Ct., Oct. 23, 1896.)

2 Where on habeas corpus in behalf of a Chinese person held for deportation it appears that the judgment of deportation which was rendered by another federal court has been set aside, and a new trial granted, but without the issuance of any warrant for the apprehension and return of the petitioner, the court will, nevertheless, not discharge such person, but will order the delivery of such person to the marshal for the district where the judgment of deportation was rendered.—(In re Gut Lun, 84 F. R., 323, Dist. Ct., Dec. 28, 1897.)

3 A Chinese person arrested in this country for deportation under the exclusion acts may be admitted to bail by a district court or judge pending his hearing before a commissioner.—(In re Lum Poy et al., 128 F. R., 974, Cir. Ct., Mar. 23, 1904.)

4 Where a Chinese person arrested under the exclusion laws has been brought before a United States commissioner and adjudged entitled to remain in the United States, he can not be again apprehended and proceeded against upon a complaint filed in the district court of the same district upon substantially the same facts.—(U. S. *v.* Yeung Chu Keng, 140 F. R., 748, Dist. Ct., Sept. 2, 1905.)

5 *Held*, that the official title employed in section 3 of the act of March 3, 1901, in describing the persons entitled to make complaint for the purpose of procuring the arrest of Chinese persons, were mere descriptio personae; hence, where a complaint is made by a Chinese inspector, it was immaterial that it was filed with a United States commissioner located outside of the inspector's official district.—(Toy Tong et al. *v.* U. S., 146 F. R., 343, C. C. A., June 18, 1906.)

[U. S., 1892.]

6 In general, process is not returnable to a district other than that of its issuance, but the Chinese exclusion act of 1888 alters this rule so far as relates to inquiry into the right of a Chinese person to be in the United States.—(United States *v.* Long Hop (D. C.), 55 Fed., 58.)

[D. C., 1896.]

7 The right to bail a Chinese person arrested for deportation is determinable, not by the rule applicable to ordinary cases under the writ of habeas corpus, but by Chinese exclusion act of November 3, 1893, section 2, providing that, pending the execution of the order of deportation, such Chinese person shall remain in the custody of the United States marshal, and shall not be admitted to bail.—(Chan Gun *v.* United States, 9 App. D. C., 290.)

[U S., 1892.]

8 Act of May 5, 1892, providing that any Chinese person "convicted and adjudged" to be not lawfully entitled to remain in the United States shall be imprisoned at hard labor for not more than one year and thereafter removed from the country, can not be made the basis of an indictment, as the statute is political, and not criminal in its

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nature. The proceeding is summary in character, and the imprisonment is not for the purpose of punishment, but for detention until the removal is effected as provided by the act.—(United States *v.* Hing Quong Chow (C. C.), 53 Fed., 233.)

[U. S., 1893.]

A United States commissioner, while he has authority, in a summary proceeding under the Chinese exclusion acts, to order the deportation of a Chinaman found to be unlawfully within the United States, has no jurisdiction to order him to be imprisoned at hard labor for thirty days prior to the time fixed for his deportation. United States *v.* Wong Sing (1892), 51 Fed., 79, applies.—(In re Ah Yuk (D. C.), 53 Fed., 781.) 1

[U. S., 1884.]

Where the "justice, judge, or commissioner" finds that the petitioner is a Chinese laborer, prohibited by law from landing or from being or remaining in the United States, and, if the ship were in port, and about to return to China, would remand him to the ship to be carried to the country from whence he came, such a finding amounts to a finding in effect that he is unlawfully in the United States, and the court should order him to be remanded by the marshal to the custody from which he was taken, and, when the marshal returns that the ship has sailed, a supplemental order may be passed committing him to the custody of the marshal, to be held for a reasonable time to await the direction of the President.—(In re Chow Goo Pooi, 25 Fed., 77.) 2

[U. S., 1884.]

A Chinaman thus brought before the court has no right to a trial by jury in the investigation before the "justice, judge, or commissioner" to ascertain whether he is unlawfully within the United States.—(In re Chow Goo Pooi, 25 Fed., 77.) 3

[U. S., 1891.]

Where a Chinaman arrested for being in the United States unlawfully is identified as a man who has been in the United States for several years, and defendant testifies that he came to the United States long prior to the passage of the exclusion act, and his testimony shows a knowledge of places in the United States, and events which have occurred during the past ten years, it is sufficient to overcome presumptions arising from the fact that he was found near the border line and was a stranger to the officers who made the arrest.—(United States *v.* Jim (D. C.), 47 Fed. 431.) 4

Where a Chinese person is found in the United States and is arrested, but not on view of his entry into this country, he can not be removed, unless it is shown that he is unlawfully in this country.—(In re Mah Wong Gee (D. C.), 47 Fed., 433.) 5

[U. S., 1893.]

The imprisonment provided for in the act of May 5, 1892, prior to deportation is not a "punishment" in the sense of the criminal law, but is merely a means of detention.—(In re Sing Lee (D. C.), 54 Fed., 334; In re Ching Jo, id.) 6

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1 A warrant for the arrest of a Chinese person under act of September 13, 1888 (25 Stat., 476), will not be refused by a district judge, who has no judicial knowledge that the executive department is without the funds necessary to deport such person under Geary Act, May 5, 1892 (27 Stat., 25).—In re Lintner (D. C.), 57 Fed., 587.)

[Cal., 1891.]

2 Under act of Congress, September 13, 1888 (25 Stat., 476), which provides that any Chinese person found in the United States may be brought before a commissioner, and, when adjudged not entitled to be or remain in the United States, shall be removed to the country whence he came, and Revised Statutes, United States, section 787, which authorizes a marshal to execute process in the district wherein he was appointed, a Chinaman could not be lawfully imprisoned in a county jail in the northern district of the State by a deputy marshal of the southern district on a finding of a United States court commissioner of the latter district, who, after reciting certain facts, declared that " now, therefore, from the foregoing facts, I find that the said" Chinaman " was found unlawfully within the United States and that he is not lawfully entitled to be in or remain " therein.—(People *v.* Ah Teung, 92 Cal., 421; 28 Pac., 577; 15 L. R. A., 190.)

[D. C., 1896.]

3 The officers of the United States named in the Chinese exclusion acts have the power to demand of Chinese persons the production of the certificate required by law for their identification, and, upon their failure to do so, to take them before a judge or commissioner of the proper court, who is required to order deportation in the event of their failure to make affirmative proof of their right to remain in this country.—(Chan Gun *v.* United States, 9 App. D. C., 290.)

[U. S. D. C., N. Y., 1900.]

4 A Chinese seaman who lands at a port of the United States for the purpose of reshipping as soon as shipment can be obtained must give bond to the collector of the port to ship within thirty days, and to produce to the collector a certificate of the shipping commissioner to that effect.—(In re Jam, 101 F., 989.)

[U. S. C. C., N. Y., 1903.]

5 The provision of section 5 of the Chinese exclusion act of May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), that, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus by a Chinese person refused admission into this country, no bail shall be allowed was not repealed by act of August 18, 1894, ch. 301, 28 Stat., 390 (U. S. Comp. St., 1901, p. 1303), which makes the decision of the immigration officer conclusive unless reversed by the Secretary of the Treasury, and governs where a Chinese person refused admission by the immigration officers and the Secretary applies to a federal court for a writ of habeas corpus.—(In re Ong Lung, 125 F., 813.)

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[U. S. D. C., Ga., 1904.]

After a final order of deportation has been entered by a district court or judge against a Chinese person he is not entitled to be admitted to bail pending an appeal as a matter of right, but admission to bail rests in the discretion of the court, which should be carefully exercised with regard to the special circumstances of the case. Where it does not appear that defendant had any justification for entering the country, but that he entered and remained in plain violation and defiance of the law, bail will not be allowed.—(United States *v.* Fah Chung, 132 F., 109; Same *v.* Foong King, id.) 1

[U. S. C. C., Mont., 1904.]

A Chinese person arrested in this country for deportation under the exclusion acts may be admitted to bail by a district court or judge pending his hearing before the commissioner.—(In re Lum Poy, 128 F., 974.) 2

[U. S. D. C., Mass., 1903.]

Chinese-exclusion act of November 3, 1893, ch. 14, sec. 2, 28 Stat., 8 (U. S. Comp. St., 1901, p. 1322), providing that an order for deportation shall be executed by the United States marshal of the district within which such order is made, and pending execution the Chinese person shall remain in the custody of the marshal and shall not be admitted to bail, applies only where order for deportation is final and does not prevent the admission of a Chinese alien, ordered to be deported, to bail pending an appeal from such order.—(In re Ah Tai, 125 F., 795.) 3

A proceeding under the exclusion acts for the deportation of a Chinese alien, though civil in its nature, is sui generis, and the district judge to whom an appeal is taken from a commissioner's order directing deportation has inherent power to admit the alien to bail pending the appeal.—(In re Ah Tai, 125 F., 795.) 4

A proceeding for the deportation of a Chinese alien under the exclusion acts is not criminal in its nature, so as to entitle such alien to bail, as a person accused of crime, pending appeal from a commissioner's order of deportation.—(In re Ah Tai, 125 F., 795.) 5

The legislation considered, the act of May 5, 1892, relating to the arrest and trial of Chinese charged with being unlawfully within the United States, is satisfied by proceedings before a United States commissioner.—(Chin Bak Kan *v.* U. S.; Chin Ying *v.* U. S., 186 U. S., 193, Sup. Ct., June 2, 1902.) 6

It was competent for Congress to empower a United States commissioner to determine the various facts on which citizenship depends under the decision in United States *v.* Wong Kim Ark, 169 U. S., 649.—(Ibid.) 7

Under the Chinese exclusion laws, except in cases referred by a district court to a United States commissioner, the commissioner has a jurisdiction entirely independent of the district court.—(U. S. *v.* Hom Hing, 48 F. R., 635, Dist. Ct., Jan. 6, 1892.) 8

Sections 3 and 6 of the act of May 5, 1892, should be read together, when it is apparent that a United States commissioner is "a United States judge" within the intent of the statute.—(In re Wong Fock, 9

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81 F. R., 558, Dist. Ct., May 10, 1897; In re Tsu Tse Mee, 81 F. R., 562, Dist. Ct., May 10, 1897.)

1 The provisions of the Chinese exclusion acts authorizing Chinese persons thought to be unlawfully within the United States to be arrested and taken before a commissioner confer jurisdiction upon such commissioner to determine the cases, and no order of a district judge referring such cases to the commissioner for hearing is either required or authorized; but a commissioner can not be required to entertain such cases in the face of an authoritative declination by the officers of the Treasury Department to pay his lawful fees and disbursements therein.—(United States *v.* Lee Lip et al., 100 F. R., 842, Dist. Ct., Mar. 21, 1900.)

2 Section 6 of the act of May 5, 1892, construed with other parts thereof, gives a United States commissioner jurisdiction to hear and determine a charge against a Chinese person of being unlawfully in the United States, though the ground of such charge is that defendant is a laborer and without a certificate of residence.—(Fong May Yuk *v.* U. S., 113 F. R., 898, C. C. A., Feb. 24, 1902.)

3 A proceeding to deport a Chinese person will be dismissed where he appears to have been already ordered deported by the commissioner of another district, the latter having acquired an exclusive jurisdiction of the case.—(U. S. *v.* Luey Guey Auck, 115 F. R., 252, Dist. Ct., Mar. 12, 1902.)

4 *Held*, that a United States commissioner is a "judge" within the meaning and intent of section 6 of the act of May 5, 1892, providing for the trial of Chinese persons arrested for unlawful residence in the United States.—(Low Foon Yin *v.* U. S. Immigration Commissioner et al., 145 F. R., 791, C. C. A., May 14, 1906.)

5 When deportation proceedings are instituted before a United States commissioner (not being referred to him by a district court), the commissioner is clothed with a jurisdiction in the conduct of the hearing entirely independent of the district court.—(United States *v.* Hom Hing, 48 F. R., 635, Dist. Ct., Jan. 6, 1892.)

6 Sections 3 and 6 of the act of May 5, 1892, should be read together, when it is apparent that a United States commissioner is "a United States judge" within the intent of the statute; therefore, where a commissioner made an order of deportation under said statute, his further order that the Chinaman be taken before a United States judge for a review of the case, being unnecessary, may be treated as surplusage.—(In re Wong Fock, 81 F. R., 558, Dist. Ct., May 10, 1897; In re Tsu Tse Mee, 81 F. R., 562, Dist. Ct., May 10, 1897.)

7 A complaint for the deportation of a Chinese laborer having alleged merely that such laborer was in the United States and has not procured the certificate of residence required by the registration acts; and the court, on the trial, having found that the defendant was unlawfully within the United States, and further, that she had entered the United States in violation of law, and having rendered judgment of deportation accordingly: *Held*, that the general finding that defendant was unlawfully in the United States was sufficient to support the judgment, though the further finding of an unlawful entry was not within the issues made by the pleading.—(In re Gut Lun, 83 F. R., 141, Dist. Ct., Nov. 1, 1897.)

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Where a Chinese person, arrested under section 13 of the act of September 13, 1888, was ordered deported by a commissioner and appealed to the district court, where the case was heard de novo, and was discharged by such court, the Government can not for the first time, on a writ of error in the circuit court of appeals, raise the objection that the record filed on appeal was insufficient to give the district court jurisdiction.—(U. S. *v.* Lee Seick, 100 F. R., 398, C. C. A., Feb. 5, 1900.) 1

An application for a new trial, after an order of deportation has been entered against a Chinese person for being unlawfully within the United States, must be made to the commissioner by whom judgment was rendered.—(U. S. *v.* Ng. Young, 126 F. R., 425, Dist. Ct., Dec. 18, 1903.) 2

Where a motion for a new trial in Chinese deportation proceedings is denied by the commissioner before whom the proceedings were had, appeal from such denial lies to the United States district court.—(Ibid.) 3

After judgment of deportation by a United States commissioner, at the conclusion of the trial, during which one witness testified that the defendant was born in the United States, a new trial should not be granted to enable the defendant to produce another witness to testify to the same effect, when with ordinary and reasonable diligence such witness might have been produced on the trial.—(Ibid.) 4

Since no formal complaint or pleadings are required in Chinese deportation proceedings, where certain Chinese persons proceeded against were before the commissioner and before the district court on appeal, objections to the validity of the process of arrest were not available to oust the court of jurisdiction.—(Toy Tong et al. *v.* U. S., 146 F. R., 343, C. C. A., June 18, 1906.) 5

In the hearing of cases arising under the Chinese exclusion laws the duties of a United States commissioner are judicial rather than ministerial. Consequently the Treasury Department has no authority to issue instruction to United States commissioners as officers charged with the enforcement of these laws.—(23 Ops. Attys. Gen., 40, Mar. 7, 1900.) 6

[U. S. C. C. A., Wash., 1903.]

An indictment for violation of Chinese exclusion act 1882, as reenacted by act of April 29, 1902 (32 Stat., 176, ch. 641), declaring that all laws now in force prohibiting and regulating the coming of Chinese persons be, and the same are, reenacted, extended, and continued, as far as the same are not inconsistent with treaty obligations, was not objectionable for failure to charge that the Chinese alleged to have been landed in violation of the act were not entitled to land by virtue of treaty obligations.—(Sims *v.* United States, 121 F., 515; 58 C. C. A., 92.) 7

[U. S., 1893.]

If declarations of a Chinese immigrant on his examination at the port of entry are to be used to overcome the prima facie case made by his certificate and papers they must be taken under oath and reduced to writing in the usual way.—(In re Chinese Relators (C. C.), 58 Fed., 554.) 8

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[U. S. C. C., N. Y., 1907.]

1 An indictment charging the master of a vessel with a violation of act of September 13, 1888, ch. 1015, sec. 9, 25 Stat., 478 (U. S. Comp. St., 1901, p. 1316), which makes it a misdemeanor if the master of any vessel "shall knowingly bring within the United States on such vessel and land, or attempt to land, or permit to be landed, any Chinese laborer or other Chinese person in contravention of the provisions of this act," must aver that defendant "knowingly" permitted such Chinese person to be landed.—(United States *v.* Walker, 156 F., 987.)

[D. C., 1896.]

2 A justice of the supreme court of the District of Columbia is a "United States judge," within the meaning of the Chinese exclusion acts, having jurisdiction to grant orders for deportation as provided by these acts.—(Chan Gun *v.* United States, 9 App. D. C., 290.)

3 An arrest under formal complaint under oath is not a necessary prerequisite to the jurisdiction of a United States judge to grant an order for deportation under act of November 3, 1893, section 6.—(Chan Gun *v.* United States, 9 App. D. C., 290.)

[U. S. D. C., N. Y., 1900.]

4 The provisions of the Chinese-exclusion acts, authorizing Chinese persons thought to be unlawfully within the United States to be arrested and taken before a commissioner, confer jurisdiction upon such commissioner to determine the cases, and no order of a district judge referring such cases to the commissioner for hearing is either required or authorized; but a commissioner can not be required to entertain such cases in the face of an authoritative declination by the officers of the Treasury Department to pay his lawful fees and disbursements therein.—(United States *v.* Lee Lip, 100 F., 842.)

[U. S. Sup., N. Y., 1902.]

5 The provision in Chinese-exclusion act, May 5, 1892, ch. 60, sec. 6, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), that Chinese laborers without certificates may be "taken before a United States judge," is satisfied by a proceeding before a "justice, judge, or commissioner," which are the words used in section 12, act of May 6, 1882, ch. 126, 22 Stat., 58 (U. S. Comp. St., 1901, p. 1310), section 12, act of July 5, 1884, ch. 220, 23 Stat., 115 (id.), section 13, act of September 13, 1888, ch. 1015, 25 Stat., 476 (U. S. Comp St., 1901, p. 1317), and section 3, act of May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), while act of March 3, 1901, ch. 845, sec. 1, 31 Stat., 1093 (U. S. Comp. St., 1901, p. 1327), expressly authorizes the district attorney to designate the commissioner before whom a Chinese person may be brought.—(Chin Bak Kan *v.* United States, 22 S. Ct., 891; 186 U. S., 193; 46 L. Ed., 1121. Chin Ying *v.* Same, 22 S. Ct., 895; 186 U. S., 202; 46 L. Ed., 1126.)

[U. S. Sup., N. Y., 1902.]

6 A lack in the complaint of positive averments of the facts and as to the official character of the person making it does not deprive a

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United States commissioner of his jurisdiction to determine the right of a Chinese laborer to remain in the United States.—(Chin Bak Kan *v.* United States, 22 S. Ct., 891; 186 U. S., 193; 46 L. Ed., 1121. Chin Ying *v.* Same, 22 S. Ct., 895; 186 U. S., 202; 46 L. Ed., 1126.)

The mere assertion of citizenship can not deprive a United States commissioner of his statutory jurisdiction to adjudge a Chinese person to be unlawfully within the United States, unless he "shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States."—(Chin Bak Kan *v.* United States, 22 S. Ct., 891; 186 U. S., 193; 46 L. Ed., 1121. Chin Ying *v.* Same, 22 S. Ct., 895; 186 U. S., 202; 46 L. Ed., 1126.) 1

[U. S. Sup., N. Y., 1904.]

No formal complaint or pleadings are required in the proceedings under act of May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), as amended by act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1322), for the determination of the right of Chinese laborers to remain in the United States.—(Ah How *v.* United States, 24 S. Ct., 357; 193 U. S., 65; 48 L. Ed., 619. Chu Do *v.* Same, id. Lew Guey *v.* Same, id. Yung Lee *v.* Same, id.) 2

[U. S. C. C. A., Ohio.]

A proceeding for the exclusion of an alleged Chinese person, in so far as the trial of the issue as to whether or not accused is a Chinese person is concerned, is to be regarded as criminal in its nature.—(D. C., 1903, United States *v.* Hung Chang, 126 F., 400. Reversed (1904), 134 F., 19; 67 C. C. A., 93.) 3

[U. S. D. C., Vt., 1903.]

Under act of Congress, February 14, 1903, ch. 552, sec. 7, 32 Stat., 828 (U. S. Comp. St. Supp., 1903, p. 46), giving the Department of Commerce and Labor jurisdiction of the admission of aliens, and authorizing such department to prescribe rules and regulations for the determination of the rights of aliens to admission, the executive officers of such department had authority to determine whether or not a Chinese person seeking admission had been born in the United States, and was therefore a citizen entitled to enter.—(In re Moy Quong Shing, 125 F., 641.) 4

[U. S. D. C., Vt., 1902.]

A proceeding to deport a Chinese person will be dismissed where he appears to have been already ordered deported by the commissioner of another district, the latter having acquired an exclusive jurisdiction of the case.—(United States *v.* Luey Guey Auck, 115 F., 252.) 5

[U. S. D. C., Mont., 1905.]

A United States commissioner exercises special authority in Chinese cases, and where a Chinese person charged with being unlawfully in the United States has had a hearing regular in form before a com- 6

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missioner, who has adjudged that such person is entitled to be and remain within the United States and has ordered his discharge, the decision is determinative of the issue, and such person can not be again apprehended and proceeded against upon a complaint filed in the district court of the same district upon substantially the same facts.—(United States *v.* Yeung Chu Keng, 140 F., 748.)

[U. S. D. C., Mass., 1902.]

1 Under 27 Stat., 25, and 28 Stat., 7, providing that a Chinese laborer proceeded against for remaining in the United States without being registered shall be taken before a United States judge, such a laborer was first taken before a commissioner, where the testimony was taken without objection. From his decision such laborer appealed to the judge, making no objections to the findings of facts. *Held*, that he thereby impliedly assented to a hearing before the judge on an agreed statement of facts, and the court had jurisdiction, whether it be considered an original proceeding or as an appeal from the commissioner.—(In re Chin Ark Wing, 115 F., 412.)

[U. S. C. C. A., Cal., 1902.]

2 Act of Congress, May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), gives a commissioner jurisdiction to hear the charge against a Chinaman of being in the country without a certificate of residence, though section 6, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), providing for issuance of such certificates to Chinamen, declares that one not obtaining a certificate within a certain time shall be adjudged to be unlawfully in the country, and shall be arrested and taken before a United States "judge;" the act, after continuing in force, by section 1, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), all laws prohibiting and regulating the coming in of Chinamen, and declaring, by section 2, that any Chinaman adjudged under any of said laws not entitled to remain in the country shall be deported, providing by section 3, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), that any Chinaman arrested under "this act or acts hereby extended," shall be adjudged unlawfully in the country, unless he shall establish his right to remain to the satisfaction of "such justice, judge, or commissioner;" and act of Congress, March 3, 1901, ch. 845, 31 Stat., 1093 (U. S. Comp. St., 1901, p. 1327), providing that the district attorney may designate the commissioner before whom a Chinaman arrested for being unlawfully in the country or having unlawfully entered shall be taken for hearing.—(Fong May Yuk *v.* United States, 113 F., 898; 51 C. C. A., 528.)

[U. S. C. C. A., Cal., 1906.]

3 A United States commissioner has jurisdiction to hear and determine a charge against a Chinese person of being unlawfully within the country without a certificate of residence, though act of Congress, May 5, 1892, ch. 60, sec. 6, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), providing for the issuance of such certificates, declares that one not obtaining a certificate within a specified time shall be adjudged unlawfully within the country, and shall be arrested and

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taken before a United States "judge," etc.—(Low Foon Yin *v.* United States Immigration Commr., 145 F., 791; 76 C. C. A., 355.)

[U. S. D. C., Cal., 1897.]

A United States commissioner is a "United States judge," within the meaning of section 6 of the Chinese-exclusion act of May 5, 1892, which provides that a Chinese laborer within the limits of the United States who shall neglect to comply with its provisions may be arrested and taken before a "United States judge," whose duty it shall be to order that he be deported, as that section is to be read in connection with section 3 of the same act, which provides that a Chinese person may be adjudged to be unlawfully within the United States "by a justice, judge, or commissioner."—(In re Wong Fock (D. C.), 81 F., 558.) 1

A commissioner has jurisdiction to make an order of deportation under section 6 of the Chinese-exclusion act of May 5, 1892, and also to order the deportation of Chinese persons who are adjudged under section 12 of the act of July 5, 1884, to have unlawfully entered the United States. In re Wong Fock (D. C., 1897), 81 F., 558, followed.—(In re Tsu Tse Mee, 81 F., 562.) 2

Where a complaint is filed for the deportation of a Chinese laborer under 28 Statutes, 7, on the ground that he is without the certificate of residence required by that act, an allegation therein that such laborer was a resident of the United States on May 5, 1892, is surplusage, and can not take the place of the evidence of such fact required to be furnished by the defendant.—(United States *v.* Williams, 83 F., 997.) 3

On habeas corpus proceedings to release a Chinaman ordered by a United States commissioner to be returned to Canada, the commissioner's findings of fact can not be reviewed.—(U. S. *v.* Don On, 49 F. R., 569, Cir. Ct., Nov. 20, 1891.) 4

On habeas corpus proceedings by Chinamen imprisoned by order of the commissioner, his findings of fact are not reviewable by the court; and hence it can not be urged as ground for the writ that petitioners are exempt by reason of their residence here prior to the passage of the act of 1882.—(In re Sing Lee; in re Ching Jo, 54 F. R., 334, D. C., Feb. 28, 1893.) 5

Under section 13 of the act of September 13, 1888, the question of the right of a Chinese person to remain in the United States can not be reviewed on habeas corpus, either on the same or on additional evidence.—(In re Tsu Tse Mee, 81 F. R., 702, Dist. Ct., July 9, 1897; in re Gut Lun, 83 F. R., 141, Dist. Ct., Nov. 1, 1897.) 6

The person ordered to be deported can not, on habeas corpus, claim that he was entitled to be deported to a country other than China, as provided by section 2 of the act, his remedy being by appeal, if dissatisfied with the commissioner's findings in that respect.—(In re Tsu Tse Mee, 81 F. R., 562, Dist. Ct., May 10, 1897.) 7

Where, on habeas corpus in behalf of a Chinese person held for deportation, it appears that the judgment of deportation which was rendered by another federal court has been set aside, and a new trial 8

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granted, but without the issuance of any warrant for the apprehension and return of the petitioner, the court will, nevertheless, not discharge such person, but will order the delivery of such person to the marshal for the district where the judgment of deportation was rendered.—(In re Gut Lun, 84 F. R., 323, Dist. Ct., Dec. 28, 1897.)

1 The questions which can be presented upon the writ of habeas corpus to review the decision of a United States commissioner relate to the jurisdiction of the commissioner and the legality of his order.—(In re Li Sing, 86 F. R., 896, C. C. A., Apr. 7, 1898.)

2 If the appeal provided by section 13 of the act of September 13, 1888, is not to the district judge as such, but to the district court (on which point doubt is expressed, but the decision of the circuit court of appeals in United States *v.* Gee Lee (50 F. R., 271), followed), irregularities in the proceedings can not be reviewed by habeas corpus, but only on appeal to the circuit court of appeals.—(In re Chow Low, 110 F. R., 952, Sept. 2, 1901.)

3 Where sufficient grounds are shown for the detention of a Chinese person arrested as unlawfully in the United States, such person can not be discharged on habeas corpus for defects or irregularities in the form of the commitment.—(Chow Low *v.* United States, 112 F. R., 354, C. C. A., Nov. 23, 1901.)

[U. S., 1894.]

4 The court will not admit to bail, pending appeal from the denial of a writ of habeas corpus, a Chinese immigrant seeking discharge from detention by the collector.—(In re Chin Yuen Sing (C. C.), 65 Fed., 788.)

[U. S., 1884.]

5 When the body of a Chinese person is produced in court in obedience to the writ of habeas corpus, the control of his person remains with the court, and he may be committed to the custody of the marshal, or be held to bail to await the decision of the court; and if, on investigation, the court should be of opinion that he had no right to land, it is its duty to remand him to the custody from which he was taken, if the ship be in port and about to return to the country from which he came, but the court has no right, nor color of right, to detain the ship.—(In re Chow Goo Pooi, 25 Fed., 77.)

6 Where a Chinese person has, on proceeding by habeas corpus, or by a justice, judge, or commissioner, been found to be unlawfully in the United States, and the vessel from which he was taken has sailed, the court may direct the marshal to whose custody such person has been remanded to cause him to be removed to the country whence he came.—(In re Chin Ah Sooey, 21 Fed., 393.)

7 When on proceedings by habeas corpus to test the right of a Chinese laborer to reenter the United States, his body is produced in court, the court may order that he continue in custody of the party detaining him, or commit him to the custody of the marshal, or release him on bail to await a decision of the question, and when he has been released on bail, he is still deemed in the custody of the law, and as never having been landed.—(Case of Unused Tag, 21 Fed., 701.)

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When a Chinese person, after final hearing on habeas corpus, has been remanded to the marshal to be deported from the United States upon the vessel by which she was brought to this country, and such vessel has departed, she can not be admitted to bail upon a recognizance that she will appear when a vessel is ready to depart.—(Case of the Chinese Wife, 21 Fed., 808.) 1

The order of the President in regard to removal of Chinamen may be retrospective and prospective, and inasmuch as the law imposes on him the duty of causing the person to be removed to the country whence he came after he shall have been found to be unlawfully here by a "justice, judge, or commissioner," but gives him no power to revise that judgment, and apparently confers on him no discretion in the matter, he may direct that all persons who shall thus have been found to be unlawfully here shall be removed, and he may instruct the officer to procure them tickets and effectuate their removal; and if there be any difficulty, from the want of appropriation or means at his command, in fulfilling that duty, it is for Congress to remove it.—(In re Chow Goo Pooi, 25 Fed., 77.) 2

[U. S., 1892.]

An alien immigrant detained by the collector of the port of San Francisco on report of the state commissioner of immigration that she came within the excluded class under act of August 3, 1882, chapter 376, was placed in a mission house as a more suitable place than the steamship pending the decision of the question of her right to land, and was kept there by agreement between her attorney and the attorney for the United States until final judgment upon a writ of habeas corpus. *Held*, that placing her in such mission left her in the same position, as far as regarded her right to land, as if she had never been removed from the steamship.—(Nishimura Ekiu *v.* United States, 142 U. S., 651; 12 Sup. Ct., 336; 35 L. Ed., 1146.) 3

[U. S., 1895.]

Aliens held in custody by immigrant inspectors for deportation under the contract-labor laws and by virtue of a warrant from the Secretary of the Treasury, which does not contain the names of the prisoners, or any names idem sonans, are held without the petitioner could not be released on habeas corpus, on the mere ground that his statements in regard to the contract were untrue.—(In re Dietze, 40 Fed., 324.) 4

[U. S., 1891.]

That a Chinaman carried on a laundry at a town in Canada for four months; that he had been in the same Province for a considerable period before that; and that he possessed a return certificate, issued by the Canadian officials at Vancouver, is sufficient to show that he acquired a domicile in Canada when there is nothing to show that he left China with the ulterior purpose of coming to the United States except the fact that he recently made attempts to enter.—(United States *v.* Chong Sam (D. C.), 47 Fed., 878.) 5

That a Chinese person who has acquired a domicile in Canada and who is convicted of having recently entered the United States contrary to law, possesses a certificate of leave to return to Canada, is 6

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sufficient evidence of intention to return there to show prima facie that he has not lost his domicile.—(United States *v.* Chong Sam (D. C.), 47 Fed., 878.)

[U. S., 1892.]

1 Under act of May 5, 1892, known as the Geary Act, the Government may, at its election, merely deport any Chinese person adjudged to be unlawfully in the United States or imprison such person or deport him, and where the Government elects to deport only the offense is not an infamous crime, requiring procedure by indictment or presentment of a grand jury.—(United States *v.* Wong Sing (D. C.), 51 Fed., 79; In re Ng Loy Hoe (C. C.), 53 Fed., 914.)

[U. S., 1884.]

2 The acts of Congress, both original and amendatory, contemplate that parties unlawfully bringing here Chinese laborers prohibited from landing shall take them back to the country from which they are brought, or at least beyond the jurisdiction of the United States, and a steamship company can not escape from this duty by the departure of the vessel on which they are brought or any change in its officers or management pending proceedings to determine the right of a Chinaman to reenter the United States.—(Case of the Unused Tag, 21 Fed., 701.)

[U. S., 1882.]

3 A vessel touches at a port of the United States, within the meaning of section 3, act of May 6, 1882, to exclude Chinese laborers from the United States, when she calls there for orders, or a cargo for a foreign port; and Chinese laborers who are on board of her as passengers or crew are not unlawfully in the country, contrary to said act, during her stay for such purpose.—(In re Moncan, 14 Fed., 44.)

4 But if such Chinese leave the vessel while in an American port, their presence becomes unlawful.—(In re Moncan, 14 Fed., 44; 28 Int. Rev. Rec., 313.)

[U. S., 1893.]

5 Congress having appropriated funds for the enforcement of the Geary Act, a district judge should take judicial cognizance that there are funds for the enforcement of any or all of the sections of such act, and should order the deportation of a Chinaman who has not procured certificates of residence, as required by section 6, although the Attorney-General has informed such judge "that there are no funds to execute the Geary law, so far as the same provides for the deportation of Chinamen who have not obtained certificates of residence."—(United States *v.* Chum Shang Yuen (D. C.), 57 Fed., 588.)

[U. S. D. C., N. Y., 1903.]

6 A proceeding to expel or exclude aliens under the federal law is civil, and not criminal, in its nature.—(United States *v.* Moy You, 126 F., 226.)

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PROPER SUBJECTS OF DEPORTATION.

WHO ARE.[a]

A Chinese laborer, notwithstanding the fact that such laborer had been allowed by an administrative officer to enter the United States upon a certificate furnished him by a consular officer of the Chinese Empire located in this country stating that he was a merchant, the administrative decision not being final on the question of right to reside in the United States.—(Li Sing *v.* United States, 180 U. S., 486, Sup. Ct., Mar. 18, 1901.) 1

A Chinese laborer who enters a United States port as a member of the crew of a vessel plying to such port, and who effects an escape while the vessel is lying in the port.—(In re George Moncan, alias Ah Wah, 14 F. R., 44; C. C. A., Oct. 27, 1882.) 2

A Chinese laborer arrested for being in the United States in violation of the exclusion acts, who had been in this country continuously for twenty-two years prior to April 1, 1891, but had gone to Canada, in the last week of that month, without making provision for reentry.—(United States *v.* Don On, 49 F. R., 569, Cir. Ct., Nov. 20, 1891.) 3

An unregistered Chinese person arrested for failure to register, unless he can show one of the excuses for failure to procure the certificate enumerated in section 6 of the act of May 5, 1892, and notwithstanding the fact that he does show a residence in the United States for the period required thereby.—(In re Ny Look, 56 F. R., 81, Cir. Ct., May 26, 1893.) 4

A Chinese laborer convicted of felony, at the expiration of his term of imprisonment, as such person, is not entitled to register under the act of November 3, 1893.—(United States *v.* Chew Cheong, 61 F. R., 200, Dist. Ct., Apr. 12, 1894.) 5

Although a Chinaman serving sentence at hard labor was a merchant prior to his imprisonment and during his term of imprisonment has retained his mercantile interest, his status on release is that of a laborer merely, and he is subject to deportation for having failed to register under the registration acts.—(United States *v.* Wong Ah Hung, 62 F. R., 1005, Dist. Ct., Aug. 29, 1894; United States *v.* Ah Poing, 69 F. R., 972, Dist. Ct., Sept. 24, 1895; United States *v.* Chung Ki Foon, 83 F. R., 143, Dist. Ct., Oct. 27, 1897.) 6

A Chinaman who, upon arrest, presented a certificate in due form, issued to him as a merchant of China, but in whose case it appeared that immediately upon landing he proceeded to and continued in the employment of a laborer; for it is as much a violation of the Chinese-exclusion acts for a laborer who by any trick or evasion secures an entry to our ports to remain in the United States as it would have been to originally land on our shores.—(United States *v.* Yong Yew, 83 F. R., 832, Dist. Ct., Nov. 23, 1897.) 7

A Chinese person who, ever since his admission, has been occupied as a laborer, although he landed on an uncontradicted certificate as a 8

[a] See also pp. 284 and 311.

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merchant under section 6 of the act of July 5, 1884.—(United States *v.* Ng. Park Tan, 86 F. R., 605, Dist. Ct., Apr. 12, 1898.)

1 A Chinese person allowed to land without presenting the certificate required by section 6 of the act of July 5, 1884, regardless of his occupation since landing, the government officer's erroneous action in such case not being even prima facie evidence of such person's lawful residence.—(Mar Bing Guey *v.* United States, 97 F. R., 576, Dist. Ct., Nov. 1, 1899.)

2 A Chinese person arrested for deportation on the ground of unlawful residence in the United States who claims to be a merchant, unless he shows a fixed place of business and such frequent sales of merchandise as entitles him to be considered a merchant within the ordinary meaning of the term, or an actual and substantial interest in some firm of such merchants.—(United States *v.* Lung Hong, 105 F. R., 188, Dist. Ct., May 5, 1900.)

3 Chinese persons who, during the six months succeeding the passage of the act of November 3, 1893, were merchants and therefore not required to register, but who afterwards left the country, disposing of whatever business they had possessed during the said six months, and then returned and engaged in laboring occupations.—(United States *v.* Moy Yim, 115 F. R., 652, Dist. Ct., Apr. 29, 1902.)

4 A Chinese person, duly registered, who departed from the United States without securing a return certificate, as required by section 7 of the act of September 13, 1888, thereafter reentering at some place other than a designated port.—(United States *v.* Tuck Lee, 120 F. R., 989, Dist. Ct., Mar. 21, 1903.)

5 A Chinese person who entered the United States upon a certificate granted by the Chinese authorities in accordance with the provisions of section 6 of the act of July 5, 1884, where it is shown that from the time of his entry, several years before his arrest, he has been a manual laborer.—(Chain Chio Fong *v.* United States, 133 F. R., 154, C. C. A., Oct. 3, 1904.)

6 A Chinaman admitted to the United States on a certificate issued under section 6 of the act of July 5, 1884, but not stating the estimated value of his business in China, nor fully establishing his status as a merchant.—(Cheung Pang *v.* United States, 133 F. R., 392, C. C. A., Oct. 3, 1904.)

7 A Chinese minor who lawfully entered the United States as the son of a Chinese merchant domiciled in this country but had lost such status by the return of his father to China to remain permanently, his status thereafter being determined by his own occupation.—(United States *v.* Joe Dick, 134 F. R., 988, Dist. Ct., Feb. 4, 1905.)

8 A Chinese laborer who was a minor, 19 or 20 years old, at the time of the passage of the registration acts but who did not register thereunder.—(United States *v.* Joe Dick, 134 F. R., 988, Dist. Ct., Feb. 4, 1905.)

9 A Chinese slave girl brought to the United States, and her entry secured by fraud in violation of the Chinese-exclusion laws, and who was subsequently married in this country to a Chinese inhabitant registered as a laborer, and not entitled to have a wife in this country.—(United States *v.* Ah Sou, 138 F. R., 775, C. C. A., May 1, 1905.)

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A Chinese person who, when brought before a United States commissioner or judge charged with being in the country illegally, fails to sustain the burden of establishing his right to remain.—(Toy Tong et al. *v.* United States, 146 F. R., 343, C. C. A., June 18, 1906.) 1

Chinese body servants or nurses, who come to this country to ply their vocations, as they are not persons "other than laborers" within the meaning of section 6 of the act of May 6, 1882, as amended by the act of July 5, 1884.—(18 Opins. Attys. Gen., 542, Feb. 14, 1887.) 2

Regardless of her former status, a Chinese woman who marries a laborer becomes herself a laborer within the intent of the exclusion laws.—(In re Ah Moy, 21 F. R., 785, Cir. Ct., Sept. 22, 1884.) 3

The words "Chinese laborers," as used in the act of May 5, 1892, have the same meaning as in the treaty with China of 1880; therefore, as regards exclusion, they include all Chinese persons not specifically enumerated as exempt.—(United States *v.* Ah Fawn, 57 F. R., 591, Dist. Ct., Sept. 18, 1893.) 4

The words "Chinese laborers," as used in section 6 of the act approved May 5, 1892, have the same meaning as in the treaty with China of 1880, in which they are broad enough in their true meaning and intent to include Chinese gamblers and highbinders, since section 2 of the treaty by exclusion provides that no Chinese should be entitled to the benefits of the general provisions of the Burlingame treaty but those who come to the United States for purposes of teaching, study, mercantile transactions, travel, or curiosity.—(Ibid.) 5

A restaurant proprietor, who keeps a place for serving meals, and provides, prepares, and cooks raw materials to suit the tastes of his patrons, is a laborer.—(In re Ah Yow, 59 F. R., 561, Dist. Ct., Jan. 16, 1894.) 6

A Chinese person who is shown to have acted occasionally as a cook, although his main occupation was that of a merchant, is a laborer within the meaning of the act of November 3, 1893.—(Lew Jim *v.* United States, 66 F. R., 953, C. C. A., Feb. 18, 1895.) 7

A Chinese person who during half his time is engaged in cutting and sewing garments for sale by a firm of which he is a member is a laborer within the meaning of the act of November 3, 1893.—(Lai Moy *v.* United States, 66 F. R., 955, C. C. A., Feb. 18, 1895.) 8

Chinese persons engaged in keeping a restaurant and lodging house and all those dependent upon their labor for support, whether so engaged or not, are "laborers," as defined by the acts of May 5, 1892, and November 3, 1893.—(United States *v.* Chung Ki Foon, 83 F. R., 143. Dist. Ct., Oct. 27, 1897.) 9

The status of a Chinese "laborer," under the acts relating to deportation, was not changed by his arrest upon a criminal charge and his subsequent enforced idleness in jail.—(Ibid.) 10

A Chinese person whose chief occupation was that of a laundryman, though an active teacher in a Sunday school, is a "laborer" within the meaning of the acts of May 5, 1892, and November 3, 1893.—(In re Leung, 86 F. R., 303, C. C. A., Apr. 7, 1898.) 11

The son of a domiciled Chinese laborer, admitted as a student, may acquire, by constant attendance at school, a status of his own, and the status of his father as a laborer will not be imputed to him. Reversed; see 93 F. R., 797.—(United States *v.* Chu Chee et al., 87 F. R., 312, Dist. Ct., May 6, 1898.) 12

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1 A Chinese person who entered the United States without the certificate prescribed by section 6 of the act of July 5, 1884, although, when arrested under the act of May 5, 1892, he shows that since his arrival his occupation has been solely that of a member of the privileged classes.—(United States *v.* Chu Chee et al., 93 F. R., 797, C. C. A., Mar. 6, 1899.)

2 The status of a minor child of a Chinese laborer is that of his father, notwithstanding the fact that such child may be engaged in the occupation of a student.—(Ibid.)

3 A Chinese person, owning an interest in a mercantile firm but not actively engaged in conducting its business, who is cook in a restaurant of which he is also part owner, is a laborer and not a merchant under the act of November 3, 1893.—(Mar Bing Guey *v.* United States, 97 F. R., 576, Dist. Ct., Nov. 1, 1899.)

4 A Chinese person who has been associated in the business of a mercantile company in the United States, keeping the books and selling goods, having an interest in the stock of goods of said company, is not a merchant within the meaning of the statute, it not being shown that his name appears in the partnership articles or that he is in fact a partner, but is a laborer.—(United States *v.* Pin Kwan, 100 F. R., 609, C. C. A., Feb. 28, 1900.)

5 The definition of the words "Chinese laborers," employed in section 2 of the act of November 3, 1893, does not limit the meaning of such words so as to except therefrom any persons who were laborers within the intent of those words as used in the treaty of 1880.—(Lee Ah Yin *v.* United States, 116 F. R., 614, C. C. A., May 19, 1902.)

6 The term "Chinese laborers" as defined in the acts of May 5, 1892, and November 3, 1893, includes prostitutes.—(Ibid.)

7 A clerk in a store is a laborer.—(Mar Sing *v.* U. S. (C. C. A.), 137 F. R., 875.)

WHO ARE NOT.*

8 A child born in the United States of parents of Chinese descent, who at the time of his birth are subjects of the Emperor of China, but have a permanent domicile and residence in the United States, and are there carrying on business, and are not employed in any diplomatic or official capacity under the Emperor of China, because such person becomes at the time of his birth a citizen of the United States by virtue of the first clause of the fourteenth amendment of the Constitution.—(United States *v.* Wong Kim Ark, 169 U. S., 649, Sup. Ct., Mar. 28, 1898.)

9 Chinese persons with regard to whom the record of the commissioner before whom originally tried is to the effect that "the proofs furnished in this case are sufficient to show that these three persons were engaged in business rather than in manual labor in 1894," although later found engaged as laborers in the United States without laborer's certificates of residence.—(Tom Hong *v.* United States, 193 U. S., 517, Sup. Ct., Mar. 21, 1904.)

10 Chinese-exclusion act, May 6, 1882, was not intended as a measure to expel Chinese laborers already domiciled in the United States, but to prevent others from coming hereafter.—In re Ah Sing, 13 F. R., 286, Cir. Ct., Aug. 27, 1882.)

* See also pp. 295 and 810.

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A Chinese merchant admitted by a collector of customs, after temporary absence in Canada, upon other evidence than the certificate required by section 6 of the act of July 5, 1884, if such merchant is otherwise entitled to be in the United States.—(United States *v.* Lee Hoy, 48 F. R., 825, Dist. Ct., Dec. 15, 1891.) 1

A lawfully resident Chinese laborer who has gone a mile or two across the Mexican boundary, for a brief stay for his health at the hot springs, and remained there but one night.—(United States *v.* Lee Yung, 63 F. R., 520, Dist. Ct., Oct. 8, 1894.) 2

A Chinese person shown to have been a merchant during the period of registration fixed by the acts of May 5, 1892, and November 3, 1893, and who did not register during such period, although subsequently thereto he became a laborer.—(United States *v.* Sing Lee, 71 F. R., 680, Dist. Ct., Jan. 7, 1896.) 3

A Chinese person, not a laborer, who has come to this country on a certificate issued under section 6 of the act of July 5, 1884, and properly signed and viséed, but which certificate is incomplete and defective in matters of nomenclature and description, and who after examination has been permitted to enter the United States and has engaged in business here as a merchant for seventeen months, at least not in the absence of fraud.—(United States *v.* Pin Kwan, 94 F. R., 824, Dist. Ct., June 14, 1899; reversed, *see* 100 F. R., 609.) 4

A Chinese person duly registered under the registration acts, unless it is clearly shown that such person has committed an act that works a forfeiture of the right of residence in the United States.—(In re See Ho How, 101 F. R., 115, Dist. Ct., Apr. 12, 1900; In re Tom Hon, 149 F. R., 842, Dist. Ct., Sept. 6, 1906.) 5

A Chinese person who is shown to have been a member of a firm of merchants in this country for seven years, with $1,000 invested as his share of the capital, although he has lately visited China and returned, nothing being shown as to the manner of his reentry.—(United States *v.* Wong Lung, 103 F. R., 794, Dist. Ct., May 4, 1900.) 6

A Chinese laborer possessing a certificate of residence issued to him under the registration act of May 5, 1892, though he did not register under the amendatory act of November 3, 1893.—(United States *v.* Jung Jow Tow, 110 F. R., 154, Dist. Ct., July 20, 1901.) 7

A Chinese person who was a lawfully resident merchant during 1893 and 1894, although he subsequently became a laborer, since he was not entitled to register during said years, and was within those excepted from the consequence of such failure by reason of sickness, accident, or some unavoidable cause.—(In re Chin Ark Wing, 115 F. R., 412, Dist. Ct., May 12, 1902.) 8

A Chinese woman who has married an American citizen, although not registered, her status having become that of her husband.—(Twoi Sim *v.* United States, 116 F. R., 920, C. C. A., May 5, 1902.) 9

A Chinaman who lawfully entered the United States as a merchant and lawfully practiced that calling in this country, for some time thereafter, but who is not a merchant at the time of his arrest.—(In re Yew Bing Hi, 128 F. R., 319, Dist. Ct., Jan. 27, 1904; United States *v.* Louie Juen, 128 F. R., 522, Dist. Ct., Mar. 11, 1904.) 10

A Chinese person who establishes to a reasonable certainty that he had been engaged in a mercantile pursuit during the registration 11

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period.—(United States *v.* Louie Juen, 128 F. R., 522, Dist. Ct., Mar. 11, 1904.)

1 A Chinese female, sold as a slave in China and illegally brought to the United States for the purposes of prostitution by her master, from whom she subsequently escaped, it appearing that a decree of deportation would be equivalent to remanding her to perpetual slavery and degradation, the thirteenth amendment to the Federal Constitution, providing that neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, being applicable.—(United States *v.* Ah Sou, 132 F. R., 878, Dist. Ct., July 13, 1904; reversed, *see* 138 F. R., 775.)

2 A Chinese person who before, during, and for a long time after the time when Chinese laborers were required by the exclusion acts to register was lawfully domiciled in the United States as a merchant, on subsequently becoming a laborer.—(United States *v.* Seid Bow, 139 F. R., 56, Dist. Ct., June 9, 1905.)

3 A Chinese person who during the registration period was a laborer, but who before being proceeded against by the Government had become a merchant.—(Ex parte Ow Guen, 148 F. R., 926, Dist. Ct., June 20, 1906.)

4 A Chinese person who was ordered deported prior to the passage of the registration acts, but escaped and, remaining in this country, was registered as a native-born citizen.—(In re Tom Hon, 149 F. R., 842, Dist. Ct., Sept. 6, 1906.)

5 The fact that a Chinese member of a trading firm lives at the store with several other members of the firm and does the housework for them does not constitute him a laborer within the meaning of the registration and deportation acts of 1892 and 1893.—(United States *v.* Sun, 76 F. R., 450, Dist. Ct., Nov. 2, 1896.)

6 A Chinaman who was a peddler at the time of the passage of the act of May 5, 1892, relating to the registration of Chinese laborers, but ceased peddling and became a member of a trading firm prior to the passage of the act of November 3, 1893, which includes Chinese peddlers, etc., in the term "laborers," is not a laborer liable to deportation for want of registration.—(United States *v.* Mark Ying, 76 F. R., 450, Dist. Ct., Nov. 2, 1896.)

7 The son of a domiciled Chinese laborer, admitted as a student, may acquire by constant attendance at school a status of his own, and the status of his father as a laborer will not be imputed to him.—(United States *v.* Chu Chee et al., 87 F. R., 312, Dist. Ct., May 6, 1898. Reversed, *see* 93 F. R., 797.)

8 In deportation proceedings conducted under the act of November 3, 1893, a showing to the effect that the defendant is a member of a mercantile firm conducted in the name of a partnership, is sufficient to constitute him a "merchant" within the meaning of said act, although his individual name does not appear in the partnership designation (following 62 F. R. 914, the soundness of which is doubted in U. S. *v.* Pin Kwan (C. C. A.), 100 F. R., 609, 612).—(United States *v.* Wong Ah Gah, 94 F. R., 831, Dist. Ct., May 29, 1899.)

9 Where a Chinese merchant, during the year antedating a visit to China, did no manual labor except that for a short time he assisted

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in pickling shrimp and delivering them to customers in connection with the business of a shrimp company of which he was a member, such work did not amount to the doing of manual labor not necessary in the conduct of his business within the meaning of the acts of May 5, 1892, and November 3, 1893, and on being arrested charged with being a laborer unlawfully in the United States, such Chinese person is not subject to deportation.—(Ow Yang Dean *v.* United States, 145 F. R., 801, C. C. A., May 14, 1906.)

The owner of a restaurant is not necessarily a laborer within the meaning of the Chinese-exclusion acts of May 6, 1882, and July 5, 1884.—(20 Ops. Attys. Gen., 602, May 26, 1893.) 1

[U. S., 1892.]

One who is a resident of the United States, though of foreign birth, and not naturalized, and who is returning from a visit to the country of his birth, is not an alien immigrant within the meaning of the laws regulating immigration.—(In re Panzara (D. C.), 51 Fed., 275.) 2

[U. S., 1894.]

The acts regulating immigration existing when act of March 3, 1891, was passed refer to aliens who are imported into or who migrate to this country, and do not exclude a person already resident here, although not naturalized, who temporarily departs with the intention to return.—(In re Martorelli (C. C.), 63 Fed., 437.) 3

[U. S., 1895.]

One who has immigrated to the United States, remained two years, returned to his native country for his health, remained there ten months, and then returns to the United States, is not an immigrant on such return.—(In re Maiola (C. C.), 67 Fed., 114.) 4

[U. S., 1891.]

A railroad company which knowingly employs at its office in New York, near the Canadian border, a person who resides in Canada and comes daily to his work in the United States, is not engaged in assisting or encouraging the "importation or migration" of an alien within the meaning of the alien contract labor law. Act of Congress, February 26, 1885, section 3.—(United States *v.* Michigan Central R. Co., (C. C.), 48 Fed., 365.) 5

[U. S., 1895.]

The contract-labor acts apply only to immigrants, not to resident aliens returning to the country, and the courts have power to inquire whether one who is refused admission is or is not an immigrant.—(In re Maiola (C. C.), 67 Fed., 114.) 6

[U. S., 1891.]

A laborer in England wrote to a manufacturer in the United States stating that he had heard the latter wanted men to work in a certain branch of the business, and that himself and a comrade, who 7

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were experienced therein, desired to come to this country, and asking that passes be sent them. The manufacturer replied, inclosing tickets from Liverpool to St. Louis, and stating that he could give the applicants steady work. Nothing was said on either side as to time or compensation. The laborers came over on the tickets, but were returned by the commissioner of immigration at Philadelphia. *Held*, That the letters did not constitute a contract "made previous to said importation and migration" within the meaning of act of Congress of February 26, 1885, imposing a penalty for assisting or encouraging the immigration of laborers under contract, since the act of coming to this country was necessary to make the arrangement a binding agreement in any respect.—45 Fed., 44 (1891), affirmed.—(United States *v.* Edgar, 48 Fed., 91; 1 C. C. A., 49; 4 U. S. App., 41.)

[U. S., 1893.]

1 Neither the prepaying of transportation nor the assisting or encouraging in anywise the importation of an alien is a violation of contract-labor act of February 26, 1885 (23 Stat., 332, ch. 164), without a contract or agreement made previous to the importation or migration, binding the alien to perform labor or services in the United States, its Territories, or the District of Columbia.—(Moller *v.* United States, 57 Fed., 490; 6 C. C. A., 459.)

[U. S., 1891.]

2 In an action to recover the penalty prescribed by act of Congress, February 26, 1885, section 3 (23 Stat., 332), for assisting or encouraging the migration of aliens to perform labor or services "under contract or agreement," etc., it appeared that a letter was written by an alien in England to a person in the United States, saying that the writer had heard that the party addressed was in want of men to do a certain kind of work, and if convenient to send passes, himself and another alien would "come out," but contained no express promise to do work in consideration of receiving passes. To this letter defendant, to whom the same was handed, replied: "I have this day bought two tickets for you; * * * take this letter to R. S. & C., * * * and get tickets. * * * We can give you steady work. * * * Tickets will not be good after July 18." The letters were the only evidence of a contract to perform labor or service in the United States existing when the transportation was prepaid. *Held*, that they were insufficient to establish a contract existing at that date and that defendant was not liable for the penalty.—(United States *v.* Edgar, 45 Fed., 44.)

[U. S., 1892.]

3 Although the alien contract labor law (23 Stat., 332) prohibits the importation of "any" foreigners under contract to perform "labor or service of any kind," yet it does not apply to one who comes to this country under contract to enter the service of a church as its rector—36 Fed., 303 (1888), reversed.—(Holy Trinity Church *v.* United States, 143 U. S., 457; 12 Sup. Ct., 511; 36 L. Ed., 226.)

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[U. S., 1896.]

A foreigner under contract to come to the United States to work as chemist on a sugar plantation is a person belonging to a recognized profession within the meaning of act of March 3, 1891, excepting such persons from the operation of the act of February 26, 1885, prohibiting the importation of aliens under contract to perform labor.—(United States *v.* Laws, 163 U. S., 258; 16 Sup. Ct., 998; 41 L. Ed., 151.) 1

[U. S., 1887.]

An immigrant arriving in this country under a contract to labor on a dairy farm, the product of which, or a part thereof, forms an article of merchandise that competes with others in a similar business, and whose passage here has been paid by the agent of the employer, is not within the exception under the act of Congress, 1885, section 5, which provides that the prohibition therein contained shall not apply to persons employed strictly as personal or domestic servants, etc.—(In re Cummings, 32 Fed., 75.) 2

[U. S., 1889.]

A woman who is engaged as a milliner is not a "professional artist" within the exception of the act of Congress prohibiting the immigration of aliens under contract to perform labor.—(23 Stat., 333; 24 Stat., 415; United States *v.* Thompson, 41 Fed., 28.) 3

[U. S., 1891.]

Defendants contracted with a resident of France to come to this country and work for them in the manufacture of "French silk stockings," which were shown to be articles materially different from ordinary silk stockings. It was shown that there had been manufactured here stockings whereof the feet were the same as those of the "French silk stockings," but the legs were different and made by different machines. *Held*, that the manufacture of the complete "French silk stockings" was a new industry, within the exemption of 23 Stat., 332, chapter 164, imposing a penalty on the importation of contract labor.—(United States *v.* McCallum, 44 Fed., 745.) 4

Machines for the manufacture of "French silk stockings" were already in use in this country for knitting the feet, and there was evidence that a skillful workman might learn to run them in a few weeks. It was shown for defendants that their machines stood idle until they imported the Frenchman in question, and that they had advertised for men to run them, but had failed to find any that were competent. *Held*, that the evidence did not disclose such efforts on defendants' part as to show a necessity to resort to foreign workmen, and they are liable for the penalty.—(United States *v.* McCallum, 44 Fed., 745.) 5

[U. S., 1893.]

The manufacture of fine lace curtains, which has been carried on in this country for only about three years, and is still confined to two or three establishments, and which was brought into existence by the McKinley tariff law, and will probably disappear if the protection 6

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thereby given is withdrawn, is a "new industry," within the exception to the prohibition of the contract-labor law of 1885.—(United States *v.* Bromiley (D. C.), 58 Fed., 554.)

WHO ARE.*

[U. S., 1884.]

1 A Chinese laborer, in September, 1883, went back to China, after obtaining from the custom-house officer a "tag" entitling him to the certificate required by the act of 1882, but without procuring the certificate itself; and in August, 1884, returned to the United States and sought to land by virtue of his "tag." *Held*, that the act of 1884, which declares that the certificate issued to the laborer should be the only evidence permissible to establish his right to reenter the United States, was as applicable to the certificate issued under the act of 1882 as to a certificate issued under the act of 1884, and that he was not entitled to reenter.—(Case of the Unused Tag, 21 Fed., 701.)

2 The only evidence of the right of a Chinese laborer who left the United States after the passage of the act of 1882 to reenter this country is the certificate provided in the act.—(Case of the Limited Tag, 21 Fed., 789.)

3 The fact that a Chinamen had a "tag" entitling him to such a certificate, but that the collector took up such "tag" and failed to give him a certificate therefor, will not entitle him to reenter.—(Case of the Limited Tag, 21 Fed., 789.)

[U. S., 1888.]

4 A Chinese laborer, claiming to be one Tom Mun, who left the United States before the passage of the restriction act (act of Congress, May 6, 1882), showed by the books of a steamer that Tom Mun sailed from this country March 15, 1882, and also by the books of a shoe factory that an employee of that name had been paid off a few days prior to that date. A white Chinese collector testified that he knew such laborer at the shoe factory as Tom Mun and "guessed" that he left in 1878 or 1879. Chinese witnesses also testified as to his identity. It appeared, however, that the court had already allowed another person to reenter the United States as the Tom Mun mentioned. *Held*, that the identity was not established and such laborer was not entitled to land.—(In re Tom Mun (D. C.), 47 Fed., 722.)

5 Chinese restriction act, 1884, section 6, provides that any Chinese person, other than a laborer, entitled by treaty to enter the United States shall have a certificate of his identity issued by the Chinese Government and viséed by the diplomatic representatives of the United States, etc., "which shall be the sole evidence permissible on the part of the person so producing the same to establish a right to enter into the United States." *Held*, that a Chinese person who fails to produce such a certificate can not establish a right to enter by any other evidence.—(In re Wo Tai Li (D. C.), 48 Fed., 668.)

[U. S., 1894.]

6 When a Chinaman seeks readmission into the United States on the ground that he has already been a merchant therein, he must furnish

* See also pp. 275 and 311.

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such evidence of that fact as is required by act of Congress, November 3, 1893, though he may have departed from the country before that act was passed.—(In re Lee Yung (D. C.), 61 Fed., 641; In re Loo Yue Soon, Id., 643.)

[U. S., 1884.]

In the case of Chinese laborers who left the United States after the law of 1882 went into effect and before the passage of the law of July 5, 1884, evidence tending to excuse their failure to obtain customhouse certificates can not be received. The terms of the act of 1884 expressly forbid the reception of any evidence of the right to reenter other than the certificates required by the law.—(In re Shong Toon, 21 Fed., 386.) 1

[U. S., 1893.]

The Geary Act of May 5, 1892, section 6, provides that a Chinaman who has not taken out the certificate of residence therein prescribed within one year from the passage of the act may be arrested and taken before a United States judge, whose duty it shall be to order that he be deported, "unless he shall clearly establish to the satisfaction of the judge that, by reason of" certain circumstances enumerated, "he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness, that he was a resident of the United States at the time of the passage of this act." *Held*, that a Chinaman who failed to show one of the prescribed excuses for not having procured a certificate is liable to deportation, although he does not show the required residence.—(In re Ny Look (C. C.), 56 Fed., 81.) 2

[U. S., 1895.]

Act of May 5, 1892, section 6, permitting a Chinese laborer, arrested without a certificate of residence, to show that he was entitled to such a certificate, but was prevented by reason of accident, sickness, or other unavoidable cause from procuring it, declares that on such showing a certificate shall be granted to him "upon his paying the cost." *Held*, that the act does not refer to the cost of the laborer's arrest and trial.—(United States *v.* Tye (D. C.), 70 Fed., 318.) 3

[U. S., 1894.]

A Chinese laborer convicted of felony is not entitled to register under the act of November 3, 1893, extending the time for registration, and such person may be deported on the expiration of the time fixed by the original act (May 5, 1892) for failure to register.—(United States *v.* Chew Cheong (D. C.), 61 Fed., 200.) 4

[U. S., 1895.]

Imprisonment pursuant to sentence for crime is not a valid excuse for failure to register within the time limited by the acts of Congress of May 5, 1892, and November 3, 1893, providing for the deportation of Chinese laborers who fail to register within a prescribed time unless prevented by accident, sickness, or other unavoidable cause.—(United States *v.* Ah Poing (D. C.), 69 Fed., 972.) 5

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[U. S. C. C. A., W. Va., 1907.]

1 Act of Congress of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1321), amending act of May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), "to prohibit the coming of Chinese persons into the United States," does not restrict the meaning of the word "laborers," as used in the prior acts, so as to enlarge the privileged classes.—(United States *v.* Yee Gee You, alias Yee Jim, 152 F., 157; 81 C. C. A., 409.)

[Ariz., 1904.]

2 Under act of Congress July 5, 1884, ch. 220, 23 Stat., 115 (U. S. Comp. St., 1901, p. 1305), amending the former Chinese-exclusion act of May 6, 1882, ch. 126, 22 Stat., 58 (U. S. Comp. St., 1901, p. 1305), and requiring the certificates of privileged persons to state, in addition to the requirements of the act of 1882, that "such person is entitled by this act to come within the United States," and that a merchant's certificate shall state "the nature, character, and estimated value of the business carried on by him," it is necessary for the certificate of a merchant to state such facts, or it will be ineffectual to entitle him to enter or remain within the United States.—(United States *v.* Gin Hing, 76 P., 639; 8 Ariz., 416.)

3 Under act of July 5, 1884, ch. 220, 23 Stat., 115 (U. S. Comp. St., 1901, p. 1305), providing that a Chinese person's certificate shall be the sole evidence permissible on the part of the person producing it to establish a right of entry into the United States, a Chinese person, whose certificate states his occupation as "salesman," can not prove by evidence aliunde that he is in fact a merchant and hence a member of a privileged class.—(United States *v.* Gin Hing, 76 P., 639; 8 Ariz., 416.)

4 The fact that a Chinese person has been permitted to enter the United States does not alter this rule of evidence, as he can only enter by means of a proper certificate, and the statute expressly provides for its production after entry whenever lawfully demanded, and that any person unlawfully within the United States shall be removed therefrom.—(United States *v.* Gin Hing, 76 P., 639; 8 Ariz., 416.)

[U. S. C. C. A., Cal., 1904.]

5 A Chinese person who entered the United States upon a certificate granted by the Chinese authorities in accordance with the provisions of section 6 of act of May 6, 1882, ch. 126, 22 Stat., 60, as amended by act of July 5, 1884, ch. 220, 23 Stat., 116 (U. S. Comp. St., 1901, p. 1307), showing him to belong to one of the classes entitled to enter under said act, is subject to deportation under the subsequent exclusions acts where it is shown that from the time of his entry, several years before his arrest, he has been a manual laborer.—(Chain Chio Fong *v.* United States, 133 F., 154; 66 C. C. A., 220.)

6 A Chinese person entering the United States on a merchant's certificate, obtained in accordance with section 6 of act of May 6, 1882, ch. 126, 22 Stat., 60, as amended by act of July 5, 1884, ch. 220, 23 Stat., 116 (U. S. Comp. St., 1901, p. 1307), is subject to deportation, as be-

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ing unlawfully in this country, where it is shown that after being in business as a merchant for fifteen months after his arrival he became a laborer and has remained such ever since, * * * a space of several years.—(Cheung Him Nin *v.* United States, 133 F., 391; 66 C. C. A., 453; Chin Chew Fong *v.* Same, id.)

The term "Chinese laborers," as used in the act of Congress of May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), entitled "An act to prohibit the coming of Chinese persons into the United States," and the act of November 3, 1893, amendatory thereof, includes a Chinese prostitute.—(Lee Ah Yin *v.* United States, 116 F., 614; 54 C. C. A., 70.) 1

[Arizona, 1904.]

Under the treaty of November 17, 1880 (22 Stat., 826), and the treaty of March 26, 1894 (28 Stat., 1210), providing that Chinese persons entitled to come into the United States, when provided with the certificate prescribed by the act of Congress of July 5, 1884, ch. 220, 23 Stat., 115 (U. S. Comp. St., 1901, p. 1305), are Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, and under the act of November 3, 1893, ch. 14, sec. 2, 28 Stat., 8 (U. S. Comp. St., 1901, p. 1323), defining the term "merchant," as used in the exclusion acts, as a person engaged in buying and selling merchandise at a fixed place of business, which business is conducted in his name, and who does not engage in manual labor, a person described in his certificate as a "salesman" is not a merchant who is entitled to remain in the United States.—(United States *v.* Gin Hing, 76 P., 639; 8 Ariz., 416.) 2

The Chinese-exclusion act (act of Cong. July 5, 1884, ch. 220, 23 Stat., 115; U. S. Comp. St., 1901, p. 1305), requiring Chinese persons to procure certificates stating certain facts to entitle them to come into the United States must be strictly complied with, in order that the certificate may be of value to the person holding the same in establishing his right to enter or remain within the United States.—(United States *v.* Gin Hing, 76 P., 639; 8 Ariz., 416.) 3

[U. S. C. C. A., Cal., 1902.]

The act of Congress of November 3, 1893, amending the act of May 5, 1892, "to prohibit the coming of Chinese persons into the United States," providing in section 2 that "the words 'laborer' or 'laborers,' wherever used in this act, or the act to which it is an amendment, shall be construed to mean both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation," did not limit the meaning of such words so as to exclude any persons who were laborers within the meaning of such words as used in the treaty of 1880 (22 Stat., 826).—Lee Ah Yin *v.* United States, 116 F., 614; 54 C. C. A., 70.) 4

[U. S. D. C., Cal., 1897.]

The words "Chinese laborers" in the act of November 3, 1893 (28 Stat., 7, sec. 1), amending the act of May 5, 1892 (27 Stat., 25, sec 6), 5

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and relating to certificates of residence, include a Chinaman engaged in the business of keeping a restaurant and lodging house and all Chinese persons dependent upon their labor for self-support, whether actually employed as laborers or not.—(United States *v.* Chung Ki Foon, 83 F., 143.)

1 The status of a Chinese "laborer" under the acts relating to deportation was not changed by his arrest upon a criminal charge and his subsequent enforced idleness in jail.—(United States *v.* Chung Ki Foon, 83 F., 143.)

[U. S. C. C. A., Cal., 1904.]

2 A merchant's certificate issued to a Chinese person under section 6 of act of May 6, 1882, ch. 126, Stat., 60, as amended by act of July 5, 1884, ch. 220, 23 Stat., 116 (U. S. Comp. St., 1901, p. 1307), but which does not conform to the requirements of said section by stating the estimated value of his business carried on in China, nor fully establish his status as a merchant, does not entitle him to enter the United States nor to remain after his entry has been permitted.—(Cheung Pang *v.* United States, 133 F., 392; 66 C. C. A., 454.)

[U. S. D. C., Cal., 1898.]

3 Where a Chinaman is admitted into this country upon presentation of a certificate in conformity with 22 Stat., 58, as amended by 23 Stat., 115, identifying him as a merchant, proof that ever since he was permitted to land he has continuously engaged in manual labor will overcome the effect of such certificate as prima facie evidence of his right to remain in the United States.—(United States *v.* Ng Park Tan, 86 F., 605.)

[U. S. C. C. A., N. Y., 1898.]

4 A Chinaman whose chief occupation was that of a laundryman, but who was an active, voluntary, unpaid teacher in a Sunday school and actively conversed with his countrymen upon religious subjects, is a laborer, and not a Christian missionary, within the meaning of the registration and deportation acts of 1892 and 1893.—(In re Leung, 86 F., 303; 30 C. C. A., 69.)

[U. S. D. C., N. Y., 1900.]

5 The treaty of 1894 with the Empire of China and acts of Congress of 1888 and 1894, excluding "Chinese laborers" from coming into the United States are not applicable to a Chinese seaman who ships as steward aboard a vessel bound for a port in the United States and who lands with the intention and desire to reship as soon as possible.—(In re Jam, 101 F., 989.)

[U. S. C. C. A., Wash., 1905.]

6 The fact that the deportation of a Chinese slave girl illegally brought into this country for purposes of prostitution by her master, from whom she subsequently escaped, would result in remanding her to slavery and degredation affords no grounds upon which the courts can refuse to enforce the statute. Judgment (D. C., 1904), 132 F., 878, reversed.—(United States *v.* Ah Sou, 138 F., 775; 71 C. C. A., 141.)

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[U. S. C. C. A., Wash., 1905.]

Where a Chinese female was brought into the United States for immoral purposes, and after her escape was married to a Chinese inhabitant who was registered as a Chinese laborer, but it was questionable whether the parties regarded such a marriage as bona fide, it was no defense to deportation proceedings.—(D. C., 1904, United States *v.* Ah Sou, 132 F., 878, reversed; 138 F., 775; 71 C. C. A., 141.) 1

[U. S. C. C. A., Wash., 1905.]

Where a Chinese person arrested as unlawfully within the United States at the time of his arrest was working as a servant in a boarding house, and since coming to the United States had worked as a cook and delivery man in a store in which he had no interest, he was not a "merchant" as defined by act of Congress May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1320), as amended by act of November 3, 1893, ch. 14, sec. 2, 28 Stat., 8 (U. S. Comp. St., 1901, p. 1321), and, not having procured a certificate of residence as required by section 6, a deportation order issued against him was not error.—(Mar Sing *v.* United States, 137 F., 875; 70 C. C. A., 213.) 2

[U. S. C. C. A., Wash., 1905.]

Where a Chinese slave girl was brought to the United States, and her entry secured by fraud in violation of the exclusion laws, her subsequent marriage in this country to a Chinese inhabitant registered as a Chinese laborer, and not entitled to have a wife in this country, is not a defense to proceedings for her deportation; and especially where the marriage was at her solicitation, for her protection, and was not followed by cohabitation, nor apparently regarded by the parties as more than a formality. Judgment (D. C., 1904), 132 F., 878, reversed.—(United States *v.* Ah Sou, 138 F., 775; 71 C. C. A., 141.) 3

[U. S. D. C., Ga., 1904.]

The fact that a Chinese person emigrates to the United States from Hongkong, or even that he is a native of that colony, does not prevent his being subject to the provisions of the Chinese-exclusion act of September 13, 1888, ch. 1015, sec. 13, 25 Stat., 479 (U. S. Comp. St., 1901, p. 1317).—(United States *v.* Foong King, 132 F., 107; Same *v.* Fah Chung, id.) 4

[U. S. C. C. A., Oreg., 1899.]

The purpose of the Chinese exclusion acts is to prohibit the entry into the United States of Chinese laborers as a class, and the status of minor children of a laborer is that of their father.—(United States *v.* Chu Chee, 93 F., 797; 35 C. C. A., 613.) 5

[U. S. D. C., Tex., 1899.]

A Chinese man who owns an interest in a mercantile firm, but is not actively engaged in the conduct of its business, and who works as a head cook in a restaurant of which he is a part proprietor, is a laborer and not a merchant within the terms of the act of November 3, 1893, 28 Stat., 8.—(Mar Bing Guey *v.* United States, 97 F., 576.) 6

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[U. S. D. C., Pa., 1905.]

1 A Chinese minor lawfully entering the United States as the son of a Chinese merchant domiciled in this country lost such status on the return of his father to China to remain permanently, leaving the son, who was still a minor, in this country, and his status thereafter was determined by his own occupation.—(United States *v.* Joe Dick, 134 F., 988.)

2 The fact that a Chinese laborer was a minor 19 or 20 years old at the time of the passage of the registration acts did not exempt him from the duty of registering thereunder.—(United States *v.* Joe Dick, 134 F., 988.)

[U. S. D. C., R. I., 1902.]

3 The fact that during the six months immediately following the passage of the Chinese-exclusion act, act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1322), appellants were merchants, as defined in section 2 of said act, and therefore not required to apply to the collector of internal revenue for a certificate of residence, would not be conclusive of their present right to remain in the United States, where they afterwards left the country, disposing of whatever business they had during the six months' period, and without any proven intention of returning, and then returned and engaged in business as laborers.—(United States *v.* Moy Yim, 115 F., 652; Same *v.* Chung You, id.; Same *v.* Dong War, id.; Same *v.* Fee Toy, id.; Same *v.* Moy Shang, id.; Same *v.* Leong Han Che, id.)

[U. S., 1888.]

4 The Chinese exclusion act approved October 1, 1888, took effect from its passage, and it applies to all Chinese laborers who had departed from the United States and had not in fact returned and arrived in the United States before its passage.—(In re Chae Chan Ping, 36 Fed., 431.)

[U. S., 1884.]

5 A Chinese laborer resided in the United States from November 17, 1880, until June, 1881, when he departed for Honolulu, in the Hawaiian kingdom, where he remained until September, 1884, when he sought to reenter the United States. *Held*, that the acts of 1882 and 1884 did not except him from the necessity of presenting the certificate required by those acts, and that without it he could not be allowed to reenter.—(Case of Former Resident by a Chinese Laborer, 21 Fed., 791.)

[U. S., 1883.]

6 A Chinese laborer who left the United States after act of May 6, 1882, went into effect, and who deliberately, and with full knowledge of the law, omitted to apply for his certificate, for the reason that he had no expectation or hope of ever returning to the United States, is not entitled to return.—(In re Tong Ah Chee, 23 Fed., 441.)

7 The petitioner, having full knowledge of the law requiring the production of the certificate provided for under the third section of act of May 6, 1882, by Chinese laborers, having left this country,

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and desiring to return after passage of said act, failed to apply for such certificate upon leaving this country, for the reason that he had no expectation of returning to the United States. *Held*, that he had, by his own omission, renounced the right secured to him by the treaty by neglecting to procure the evidence of that right, which the law requires and which it was entirely within his power to obtain.—(In re Pong Ah Chee, 18 Fed., 527.)

[U. S., 1891.]

A Chinese person, 16 years of age, claimed the right to enter the United States because he was born here and hence a citizen. He and his father testified that he was born on a certain street, and went to China with his mother when he was 10 years old; but he remembered no circumstance of his early life and knew nothing of the English language. The father, who worked on a sewing machine, produced a so-called "store book," showing the purchase of a ticket for the boy and his mother; but he gave no particulars of his life in San Francisco, or of his being known among his neighbors as having any children. The boy remembered nothing but the names of three men, who, he said, accompanied him to China, but he testified that his mother had frequently repeated these to him. *Held*, that the evidence was not sufficient to establish his citizenship.—(Quock Ting *v.* United States, 140 U. S., 417; 11 Sup. Ct., 733; 35 L. Ed., 501.) 1

[U. S., 1892.]

A person of Chinese parentage testified, on a hearing in habeas corpus proceedings to determine his right to come into the United States, that he was born in San Francisco in 1877, that he was taken to China by his parents when under 3 years of age, and remained there continuously until October, 1890. On the question of his birth he was corroborated only by the hearsay testimony of other Chinese persons, who had seen him but a few times. *Held*, that a finding against him should not be disturbed on appeal.—(Gee Fook Sing *v.* United States, 49 Fed., 146; I. C. C. A., 210; 7 U. S. App., 31. Lee Foo *v.* Same, id.; Lum Suey Cheong *v.* Same, id.; Toy Quong Teung *v.* Same, id.) 2

[U. S., 1884.]

The wife of a Chinese laborer is not entitled to enter the United States on her husband's certificate, since the passage of the act of 1884, but must furnish the certificate required by section 6 of the act.—(Case of the Chinese Wife, 21 Fed., 785.) 3

Upon the marriage of a Chinese woman, who was not before a laborer, to a Chinese laborer, she takes upon herself the status of the husband as one of the class who are not now permitted to enter the United States, without reference to her former status.—(Id.) 4

[U. S., 1883.]

A Chinese laborer, born on the island of Hongkong after its cession to Great Britain, is within the provisions of act of Congress, May 6, 1882, restricting the immigration of Chinese laborers to the United 5

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States. The purpose of the act was to exclude laborers coming from China subject to the stipulations of the treaty of 1880 with that country, and to exclude laborers of the Chinese race coming from any other part of the world.—(In re Ah Lung, 18 Fed., 28.)

[U. S., 1884.]

1 Chinese laborers whose coming to the United States is not suspended by the act of 1884 are: (1) Those who were in the country at the date of the treaty of November 17, 1880, or have come before August 6, 1882; and (2) those who, having departed after the passage of the act of 1882, shall produce the evidence required by the act of 1884.—(In re Shong Toon, 21 Fed., 386.)

2 The certificate required of Chinese returning to this country can not entitle the wife or children of the holder to enter with him. There must be either an independent certificate for each or else the certificate issued to the husband or father must contain also a certificate of the facts required, both as to the wife and each minor child sought to be introduced.—(In re Ah Quan, 21 Fed., 182.)

[U. S., 1894.]

3 A Chinaman serving a term of imprisonment at hard labor is a "laborer," within act of May 5, 1892, section 6, requiring Chinese to register, and not a "merchant," within the exemption of act of November 3, 1893, section 2, defining "merchant" as a person engaged in buying and selling merchandise at a fixed place of business, which business is conducted in his name, and who does not engage in manual labor, except such as is necessary in the conduct of his business as such merchant, though prior to his imprisonment he owned an interest, in the name of another, in a mercantile firm, and retains it during his imprisonment.—(United States *v.* Wong Ah Hung (D. C.), 62 Fed., 1005.)

4 A restaurant proprietor is a laborer, and not a merchant, within the exclusion act.—(In re Ah Yow (D. C.), 59 Fed., 561.)

[U. S., 1895.]

5 A Chinese person who, during his residence in the United States, was engaged in business as a member of a firm, but occasionally, during a year previous to his departure for a temporary visit, worked for short periods as a house servant, to accommodate an old employer when he was without a servant, was engaged in manual labor within the exclusion act of November 3, 1893.—(Lew Jim *v.* United States, 66 Fed., 953; 14 C. C. A., 281; 29 U. S. App., 513.)

[U. S., 1883.]

6 The term "laborer" is used in the treaty with China of November 17, 1880, and the act in aid thereof of May 6, 1882, in its popular sense, and does not include any person but those whose occupation involves physical toil and who work for wages.—(In re Ho King, 14 Fed., 724.)

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[N. Y., 1882.]

A Chinese seaman is a "laborer," and can not, therefore, leave his vessel to come ashore even for temporary purposes.—(In re Fook, 65 How. Prac., 404.) 1

[U. S. D. C., Cal., 1908.]

The provisions of immigration act of February 20, 1907, ch. 1134, 34 Stat., 898 (U. S. Comp. St. Supp. 1907, p. 391), excluding alien immigrants afflicted with certain diseases, etc., are applicable to Chinese immigrants otherwise entitled to admission.—(In re Lee Sher Wing, 164 F., 506.) 2

[U. S. C. C. A., N. J., 1909.]

Under Commerce and Labor rule 9, providing that every Chinese person refused admission to the United States, being actually or constructively on the conveyance by which he was brought to a port of entry, must be returned to the country whence he came, at the expense of the transportation agency owning such conveyance, where the petitioning Chinese persons were apprehended in an attempt to unlawfully enter from Canada, and were ordered to be dealt with according to law, an inspector had no right to take them to Hoboken, to deport them direct to China, but should have returned them to Canada.—(Lui Lum *v.* United States, 166 F., 106; 92 C. C. A., 90.) 3

[U. S. D. C., Md., 1908.]

Petitioner, a Canadian by birth and citizenship, entered the United States in 1901 and was an inmate of houses of prostitution in various cities until 1905, when she went to Philadelphia to care for an invalid sister. She remained there two years, when she resumed life as a prostitute, and in the fall of 1907 returned to Canada, where she stayed four days, when she returned to the United States and continued her misconduct until she was arrested. *Held*, that the three-year period within which she was subject to deportation dated from her return from Canada, and that she was therefore unlawfully within the country.—(United States *v.* Hook, 166 F., 1007.) 4

[U. S. C. C., Oreg., 1908.]

Immigration act of February 20, 1907, ch. 1134, sec. 20, 34 Stat., 904 (U. S. Comp. St. Supp., 1907, p. 401), provides that any alien who shall enter the United States in violation of law shall, on the warrant of the Secretary of Commerce and Labor, be taken into custody and deported to the country whence he came. Section 21, 34 Stat., 905 (U. S. Comp. St. Supp., 1907, p. 402), declares that, in case the Secretary be satisfied that an alien has been found in the United States in violation of the act, he shall cause the alien to be taken into custody and returned as provided in the preceding section. The act also specifically provides for inspection at water ports of entry, and authorizes the Commissioner-General of Immigration to prescribe rules for entry at border ports pursuant to which Blaine, Wash., was designated by rule 24 as a border port of entry from Canada, and by rule 25 it was declared that if an alien arrives in Canada, whose destination is the United States, inspection shall be 5

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had at certain ports in Canada, and if applicant is entitled to admission, he shall receive a certificate from the United States commissioner of immigration for Canada, which, on presentation at the border port, shall entitle him to entry without further examination or identification, but that, if an alien destined to Canada applies to a border port for admission, he shall submit to inspection by a board of special inquiry at certain border ports, including Blaine. *Held*, that where a Japanese laborer, excluded by Executive order March 14, 1907, came to Canada destined to the United States, or came destined to Canada and thereafter surreptitiously entered the United States, passing through Blaine at night without presenting himself to the inspection officers, he was unlawfully in the United States and subject to deportation.—(Ex parte Hamaguchi, 161 F., 185.)

[U. S. C. C., Oreg., 1908.]

1 Immigration act of February 20, 1907, ch. 1134, sec. 32, 34 Stat., 908 (U. S. Comp. St. Supp., 1907, p. 408), provides that the Commissioner-General of Immigration shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, and section 22, 34 Stat., 905 (U. S. Comp. St. Supp., 1907, p. 403), gives general authority to establish rules and regulations to carry out the provisions of the act. *Held*, that rule 24, providing that any alien who enters the United States across the Canadian border at any other point than those designated shall be deemed to have entered the country unlawfully, does not exceed the scope of immigration act of February 20, 1907, ch. 1134, sec. 36, 34 Stat., 908 (U. S. Comp. St. Supp., 1907, p. 409), declaring that all aliens who enter the United States except at the seaports thereof, or at such place or places as the Secretary of Commerce and Labor from time to time designates, shall be adjudged unlawfully in the United States, etc., and is valid, though no penalty is prescribed for violation thereof.—(Ex parte Hamaguchi, 161 F., 185.)

[U. S. Sup., Wash., 1903.]

2 Japanese subjects who are "paupers or persons likely to become a public charge," and are therefore forbidden to enter the United States by immigration act of March 3, 1891, 26 Stat., 1085, ch. 551 (U. S. Comp. St., 1901, p. 1294), are not given such right of entry by the provisions of the treaty of March 21, 1895, with Japan, that the citizens or subjects of each of the two countries shall have "full liberty to enter, travel, or reside in any part of the territories of the other country," especially since such treaty expressly excepts from its operation any ordinance or regulation relating to "police and public security."—(Kaoru Yamataya *v.* Fisher, 23 S. Ct., 611; 189 U. S., 86; 47 L. Ed., 721.)

[U. S. D. C., Pa., 1901.]

3 Where a naturalized citizen was married in Russia, but the marriage, though valid there, was illegal in the United States, his alleged wife and their child, who are likely to become public charges, are properly ordered to be deported on their arrival at a port in the United States.—(United States *v.* Rodgers, 109 F., 886.)

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[U. S. C. C., N. Y., 1904.]

Where an alien arrived by water at the port of New York and was subject to deportation as belonging to one of the classes of aliens whose entry is prohibited, it was no defense to his deportation that he had three years before arrived in the United States by water and had remained for four months, during which he bought a farm, took out his first naturalization papers, and since his second arrival he had contracted marriage in the United States.—(In re Kleibs, 128 F., 656.) 1

[U. S. C. C., N. Y., 1903.]

Act of Congress of March 3, 1903, ch. 1012, 32 Stat., 1213, provides for the deportation of aliens and declares (section 4) that the inhibition against the importation of aliens to perform labor or service of any kind, skilled or unskilled, shall not apply to persons belonging to any recognized learned profession. *Held*, that aliens imported under contract, who were expert accountants, were not members of a recognized learned profession within the terms of the exception, and were, therefore, not entitled to entry.—(In re Ellis, 124 F., 637; In re Charalambis, id.) 2

[U. S. D. C., Minn., 1908.]

Under act of Congress of February 20, 1907, ch. 1134, 34 Stat., 898 (U. S. Comp. St. Supp., 1907, p. 389), providing for the deportation of certain classes of aliens, that an alien ordered to be deported had once in good faith acquired a residence prior to her return after a temporary absence in a foreign country did not entitle her to enter on her return and remain in the United States.—(Ex parte Patterson, 166 F., 536.) 3

[U. S. C. C., N. Y., 1908.]

The language of rule 4 of the regulations of the Bureau of Immigration and Naturalization relating to the admission and exclusion of aliens that "the provisions of the immigration act do not apply to aliens who have once been duly admitted to the United States, or to any waters, territory, or other place subject to the jurisdiction thereof, proceeding to or from the continental territory of the United States," applies only to aliens who have been admitted to the United States or its dependencies, and are proceeding either from the dependencies to the continent, or from the continent to the dependencies, and has no application to an alien arriving from a foreign country, although he has been previously admitted.—(United States *v.* Watchorn, 164 F., 152.) 4

WHO ARE NOT.*

[U. S., 1883.]

A Chinese actor or theatrical performer is not a "laborer," within the exclusion act (act of May 6, 1882), and is therefore entitled to come to and reside in the United States at pleasure.—(In re Ho King, 14 Fed., 724.) 5

The term "Chinese laborers," as used in the act of Congress of May 6, 1882, "to execute the treaty stipulations relating to the Chi- 6

* See also pp. 278 and 310.

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nese," contained in the treaty of 1868, as modified by the treaty of 1880, must have the same signification as when used in the treaty, and must be held to mean the subjects of the Government of China, to which the provisions of the treaty relate; and the inhibitions of the act can not be construed to exclude from our shores laborers who are Chinese by race and language, but who are not, and never were, subjects of the Emperor of China, or resident within his dominions.—(United States *v.* Douglas, 17 Fed., 634.)

[U. S., 1893.]

1 The words "Chinese laborers," as used in section 6 of the Geary Act (27 Stat., 25) have the same meaning as in the treaty with China of 1880 (22 Stat., 826), in which they are broad enough in their true meaning and intent to include Chinese gamblers and highbinders, since section 2 of the treaty, by exclusion, provides that no Chinese should be entitled to the benefit of the general provisions of the Burlingame treaty (16 Stat., 739) but those who come to the United States for purposes of teaching, study, mercantile transactions, travel, or curiosity.—(United States *v.* Ah Fawn (D. C.), 57 Fed., 591.)

[Cal., 1882.]

2 Where a Chinese laborer has acquired a residence, he does not lose the same by shipping as one of the crew on an American vessel at an American port for a voyage to a foreign port and return, though he may land at such foreign port with permission of the master of the vessel.—(Case of the Chinese Cabin Waiter, 10 Pac. Coast Law J., 52; 13 Fed., 286; In re Ah Sing, id.)

[U. S. D. C., Mont., 1908.]

3 A son of a Chinese merchant, lawfully domiciled in the United States, who came to this country from China while a minor to join his father, and who during the remainder of his minority labored and studied in the United States, is entitled to remain, after attaining his majority, though he has since worked as a laborer.—(United States *v.* Foo Duck, 163 F., 440.)

[U. S. C. C. A., Ohio, 1906.]

4 The alien contract labor law as amended in 1903, act of March 3, 1903, 32 Stat., 1214, sec. 4, ch. 1012 (U. S. Comp. St. Supp., 1905, p. 277), does not apply to a man who entered the United States as an immigrant from Germany when young and remained continuously domiciled and working in this country for twelve or more years, although without becoming naturalized, and who then went temporarily into Canada, where he had been for two weeks when the contract alleged to be in violation of the statute was made.—(D. C., United States *v.* Aultman Co., 143 F., 922, affirmed 148 F., 1022; 79 C. C. A., 457.)

[U. S. D. C., Pa., 1905.]

5 An alien, who in good faith has acquired and maintains his residence in the United States, on his return from a temporary absence

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in a foreign country, is not an alien immigrant within the meaning of the immigration statutes; but has the right to leave and reenter the United States with the same freedom as a resident who is also a citizen.—(In re Buchsbaum, 141 F., 221.)

[U. S. C. C., N. Y., 1908.]

While the immigration acts of March 3, 1891, ch. 551, 26 Stat., 1084 (U. S. Comp. St., 1901, p. 1294), and of March 3, 1903, ch. 1012, 32 Stat., 1213, both excluded aliens who had been convicted of a felony or other crime or misdemeanor involving moral turpitude, and authorized the deportation of aliens who had obtained entry in violation of their provisions, within one year under the former and three years under the later act, there is no jurisdiction in the immigration officers under either to deport an alien on account of his conviction of a crime in the country from which he came after his admission into the United States.—(Ex parte Watchorn, 160 F., 1014.) 1

[U. S. C. C. A., Hawaii, 1908.]

Act of Congress of March 3, 1903, ch. 1012, sec. 2, 32 Stat., 1214, which provides for the exclusion of "aliens" afflicted with a dangerous contagious disease, substantially reenacts a corresponding section of act of March 3, 1891, ch. 551, 26 Stat., 1084 (U. S. Comp. St., 1901, p. 1295), except that it omits the clause "in accordance with existing acts regulating immigration other than those concerning Chinese laborers." The 1903 act contains full legislation, and amends and is a revision of prior laws on the subject of immigration. Section 9 provides a penalty for the importation of afflicted aliens. The 1891 act was uniformly held to apply to alien immigrants only, and not to affect rights of alien residents. Sections 12, 13, 17, and 20 of the 1903 act (32 Stat., 1216–1218), providing for the delivery by masters of vessels of lists of alien passengers, for the examination of such passengers, and for the deportation of aliens unlawfully in the United States, etc., refer to "aliens," rather than "alien immigrants," as used in an amended act. The title of the 1903 act is "An act to regulate the immigration of aliens," etc. *Held* that, since aliens have always been allowed to reside in the United States, and acquire property here, while retaining their citizenship abroad, and to return to the United States after a temporary absence, the phraseology of the 1903 act is insufficient to show an intent that it should apply to alien residents returning to the United States after a temporary absence.—(United States *v.* Nakashima, 160 F., 842; 87 C. C. A., 646.) 2

[U. S. D. C., Ohio, 1908.]

The alien contract labor law, as amended in 1903, act of March 3, 1903, 32 Stat., 1214, sec. 4, ch. 1012 (U. S. Comp. St. Supp., 1905, p. 277), does not apply to a man who entered the United States as an immigrant from Germany when young and remained continuously domiciled and working in this country for twelve or more years, although without becoming naturalized, and who then went temporarily into Canada, where he had been for two weeks when the contract alleged to be in violation of the statute was made.—(United States *v.* Aultman Co., 143 F., 922.) 3

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[U. S., 1890.]

1 Under the act of Congress prohibiting the importation of aliens under contract to perform labor, which directs the Secretary of the Treasury not to permit such aliens to land, the fact that the refusal of a permit to land is to confine the immigrant to the ship on which he came while she remains in port does not authorize him to be released under habeas corpus, when it clearly appears that he is within the purview of the act.—(In re Florio, 43 Fed., 114.)

[U. S., 1894.]

2 An "undercoachman," whose duties are partly to assist in keeping stables, horses, and carriages in good order, but principally to drive the horses when his employer or any of his family go out in carriages, and to accompany on horseback the younger members of the family when they go out on horseback, and who boards with his employer's coachman and sleeps in a room over the coachhouse, is a "personal or domestic servant," within the exception of Statutes 1885, chapter 164, prohibiting the immigration of aliens under contracts for labor.—(In re Howard (C. C.), 63 Fed., 263.)

[U. S., 1881.]

3 Section 3, act of March 3, 1875 (18 Stat., 477), relating to the importation of women into the United States for the purposes of prostitution, is applicable to women imported for that purpose from all countries whatsoever.—(United States *v.* Johnson, 7 Fed., 453; 19 Blatchf., 257.)

[U. S., 1893.]

4 Where the passport certificate and papers of a Chinese immigrant are regular, and such as the statutes declare to be prima facie evidence of the facts therein stated, their effect is not to be overcome by the sworn statement of a special inspector that he was told by an interpreter that the immigrant had made statements inconsistent with the papers.—(In re Chinese Relators (C. C.), 58 Fed., 554.)

[U. S., 1887.]

5 Under 22 Statutes, chapter 126, section 4, providing that every Chinaman entitled to return to the United States shall, on leaving the country, obtain a certificate of identification from the collector of customs, and shall deliver it to the collector on his return, in order to be entitled to land, a Chinaman having obtained such a certificate on his departure, and having had it stolen from him during his absence, is entitled to land on his return to the port whence he sailed (no one in the meantime having presented the certificate), on proving these facts, and identifying himself as the person to whom the certificate was issued.—(United States *v.* Jung Ah Lung, 124 U. S., 621; 8 Sup. Ct., 663; 31 L. Ed., 591.)

[U. S., 1893.]

6 A certificate of identification given by a Chinese consul in Japan, and viséed by the vice-consul-general of the United States at Yoko-

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hama, is not sufficient under section 6 of the exclusion act of July 5, 1884, in the absence of evidence, other than the certificate itself, that the consul issuing it has authority from the Chinese Government to do so.—(United States *v.* Mock Chew, 54 Fed., 490; 4 C. C. A., 482).

[U. S., 1882.]

Chinese merchants who resided, on the passage of act of Congress of May 6, 1882, in other countries than China, on arriving on a vessel in a port of the United States, are not required by said act to produce certificates of the Chinese Government establishing their character as merchants as a condition of their being allowed to land. Their character as such merchants can be established by parol evidence.—(Case of the Chinese Merchant, 13 Fed., 605.) 1

[U. S., 1883.]

The certificate provided for in section 6, act of May 6, 1882, is not the only competent evidence that a Chinese person is not a laborer, and therefore entitled to come to and reside within the United States, but the fact may be shown by any other pertinent and convincing testimony.—(In re Ho King, 14 Fed., 724.) 2

[U. S., 1884.]

Act of May 6, 1882, restricting Chinese immigration, permits all laborers who were in this country at any time before the expiration of ninety days after the passage of the act, and who shall produce the certificate provided for by the act, to go and come at pleasure, and no evidence of previous residence, except the prescribed certificate, can be received from those laborers who quitted the country since the certificates were obtainable; but those who went away before the act was passed, or before certificates were to be had, must be allowed, as was held in the case of Chin A On (1883), 18 Fed., 506, to prove their previous residence by any competent evidence.—(In re Leong Yick Dew, 19 Fed., 490.) 3

[U. S., 1884.]

Chinese, other than laborers, entitled under the treaty with China, and not prohibited from entering the United States by the restriction acts, who left China or other foreign country before July 5, 1884, on their way to enter the United States, are now entitled to enter, upon such satisfactory evidence as was recognized as competent and sufficient before the amendatory act of July 5, 1884, providing that every Chinese person on coming to this country shall produce to the collector of the port the certificate prescribed therein.—(In re Ah Quan, 21 Fed., 182.) 4

[U. S., 1884.]

With reference to Chinese laborers reentering the United States after having once left, Congress did not intend, in the amendatory act of July 5, 1884, making the certificate of the collector of the port the only evidence as to those to whom it is applicable that the certificate of the collector of the port, required by section 4 of the origi- 5

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nal statute, should be produced by such Chinamen as had departed from the United States before it would have been possible to obtain the certificate from the collector. The presentation of such a certificate gives the Chinese a prima facie privilege to return, but the privilege may rest upon evidence other than the certificate, bearing upon the facts it would have proved of a right to reenter the United States.—(In re Ah Quan, 21 Fed., 182.)

[U. S., 1892.]

1 The requirement of the sixth section of the amended exclusion act (28 Stat., p. 115), that the viséed certificate of identity therein provided for shall be the sole evidence permissible to establish a right to enter the United States does not apply to a merchant long domiciled in this country who is returning from a temporary visit to China, and he may establish his right by the documentary evidence of identity furnished to him by the customs officers on his departure from the United States.—(Wan Shing *v.* United States (1891), 140 U. S., 424; 11 Sup. Ct., 729; 35 L. Ed., 503, distinguished, and 47 Fed., 578 (1891), reversed. Law Ow Bew *v.* United States, 144 U. S., 47; 12 Sup. Ct., 517; 36 L. Ed., 340.)

[U. S., 1889.]

2 The certificates of identity issued to Chinese laborers under act of Congress of May 6, 1882, were mere licenses, revocable at the pleasure of Congress.—(Chae Chan Ping *v.* United States, 130 U. S., 581; 9 Sup. Ct., 623; 32 L. Ed., 1068.)

[U. S., 1884.]

3 Under the Chinese exclusion act the certificate from the Chinese Government is prima facie evidence of the holder's mercantile character, so as to entitle him to land.—(In re Tung Yeong, 19 Fed., 184.)

[U. S., 1888.]

4 Certificates issued under the restriction acts of 1882 and 1884 are not contracts between the United States and the Chinese laborers to whom they are respectively issued. They are issued as evidence to identify parties entitled to privileges provided for in our treaties with China and acts passed to give them effect.—(In re Chae Chan Ping, 36 Fed., 431.)

[U. S. C. C. A., Cal., 1906.]

5 Where a Chinese merchant for a year prior to his return to China did no manual labor except that for a short time he assisted in pickling shrimps and going in wagons to deliver them to customers in connection with the business of a shrimp company in which he was a partner, such work did not amount to the doing of manual labor not necessary in the conduct of his business within exclusion act, May 5, 1892, ch. 60, sec. 6, 27 Stat., 25, as amended by act of Congress of November 3, 1893, ch. 14, sec. 1, 28 Stat., 7 (U. S. Comp. St. 1901, p. 1321), depriving him of the right to reenter the United States on his return.—(Ow Yang Dean *v.* United States, 145 F., 801.)

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[U. S. D. C., Cal., 1906.]

Act of Congress of November 3, 1893, ch. 14, sec. 6, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1321), requires Chinese laborers entitled to remain in the United States before the passage of the Chinese exclusion act to apply to the collector of internal revenue of their respective districts within six months for certificates of residence, and that any Chinese laborer refusing so to register should be deemed and adjudged unlawfully within the United States and might be arrested, etc. *Held*, that where a Chinese person was duly registered under such act as a native-born citizen, such registration was not subject to collateral attack in a proceeding to enforce a judgment of deportation rendered against him before the registration law took effect.—(In re Tom Hon, 149 F., 842.) 1

[U. S. D. C., Vt., 1906.]

Chinese exclusion act, May 5, 1892, ch. 60, sec. 6, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1321), provides that an unregistered Chinese laborer, if found in the United States by certain officers, shall be adjudged to be unlawfully there, and may be taken before a judge and ordered to be deported. *Held*, that such section did not prohibit an unregistered laborer from remaining in the United States until proceeded against, and hence, prior to the taking of such proceedings, he was entitled to become a merchant and to the immunities accorded to them.—(Ex parte Ow Guen, 148 F., 926.) 2

Where a Chinese person was entitled to reenter the country by virtue of his being a merchant at L., the fact that, on his attempting to enter a second time after being deported, he put forward the unfounded claim that he was entitled to enter as a merchant at B., did not constitute a waiver of his rights based on the facts that he had been a merchant at L.—(Ex parte Ow Guen, 148 F., 926.) 3

[U. S. D. C., Vt., 1899.]

A mercantile business conducted in the name of a partnership is conducted in the name of a partner in the firm within the meaning of section 2 of the Chinese deportation act of 1893, although his name does not appear in the firm name.—(United States *v.* Wong Ah Gah, 94 F., 831.) 4

A Chinese physician, not a laborer, who resided in this country for several years, registered as permitted by the statute and afterwards went to China temporarily, intending to return, is entitled to remain in the United States after his entry.—(United States *v.* Chin Fee, 94 F., 828.) 5

[U. S. D. C., Vt., 1900.]

Where a Chinese person is shown to have been a member of a firm of merchants in the country for seven years, with $1,000 invested as his share of the capital, the fact that he has lately visited China and returned from there, nothing being shown as to his manner of reentry, does not warrant his arrest and deportation.—(United States *v.* Wong Lung, 103 F., 794.) 6

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[U. S. D. C., Vt. 1896.]

1 A Chinaman who was a peddler at the time of the passage of the act of May 5, 1892 (27 Stat., ch. 60), relating to registration of Chinese laborers, but who ceased peddling and became a member of a trading firm prior to the passage of the act of November 3, 1893 (28 Stat., ch. 14), which includes Chinese peddlers, etc., in the term "laborers," is not a laborer and liable to deportation for want of registration.—(United States *v.* Mark Ying, D. C., 76 F., 450.)

[U. S. D. C., Vt., 1905.]

2 A Chinese person who before, during, and for a long time after the time when Chinese laborers were required by the exclusion acts to register was lawfully domiciled in the United States as a merchant is not subject to deportation thereunder on subsequently becoming a laborer.—(United States *v.* Seid Bow, 139 F., 56.)

[U. S. D. C., Vt., 1896.]

3 The fact that a Chinese member of a trading firm lives at the store with several other members of the firm and does the housework for them does not constitute him a laborer within the meaning of the registration and deportation acts of 1892 and 1893 (27 Stat., 25; 28 Stat., 7).—(United States *v.* Sun, D. C., 76 F., 450.)

[U. S. D. C., Mont., 1904.]

4 Where at the time of the passage of the act of Congress, May 5, 1892, ch. 60, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), providing for the registration of Chinese laborers, a Chinese person thereafter charged to be unlawfully in the United States was in the United States and engaged in business as a merchant, and was therefore not entitled to registration as a laborer under such act, he was not subject to deportation, though he subsequently became a laborer.—(United States *v.* Louie Juen, 128 F., 522.)

[U. S. D. C., Mass., 1904.]

5 A Chinaman who has lawfully entered the United States as a merchant, and has lawfully practiced his calling here for some time thereafter, but who is not a merchant at the time of his arrest, is not subject to deportation under existing statutes.—(In re Yew Bing Hi, 128 F., 319.)

[U. S. D. C., Mass., 1902.]

6 Act of May 5, 1892, ch. 60, sec. 6, 27 Stat., 25, as amended by act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., 1901, pp. 1319, 1322), provides that a Chinese laborer found in the United States without a laborer's certificate shall be deported on failure to obtain such certificate within a certain time after the passage of the act unless by reason of accident, sickness, or some unavoidable cause he was unable to secure his certificate. A Chinese merchant lawfully in the United States from 1892 to 1894 afterwards became a laborer. *Held*, that he could not thereafter be deported, since he was not able

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to procure a certificate within the time stated in such act, not being at the time a laborer and entitled to a laborer's certificate.—(In re Chin Ark Wing, 115 F., 412.)

[U. S. D. C., Oreg., 1898.]

Where children of a Chinese laborer are lawfully permitted to enter this country as students, and thereafter remain continually in the public and private English schools of the country, they thereby acquire the status of students, and the occupation of the father is not imputable to them.—(United States *v.* Chu Chee, 87 F., 312.) 1

[U. S., 1894.]

A Chinese laborer and resident of the United States does not lose his residence by going into Mexico and remaining there only one night.—(United States *v.* Lee Yung, D. C., 63 Fed., 520.) 2

[U. S., 1887.]

A Chinaman who left this country after the passage of the first act restricting Chinese immigration (22 Stat., ch. 126), and before the amendment thereof (23 Stat., ch. 220) was passed, and who returned after the passage of the latter act, is entitled to land after complying with the requirements of the first act, the provisions of the amending act relating to evidence of identity not being retroactive.—(United States *v.* Jung Ah Lung, 124 U. S., 621; 8 Sup. Ct., 663; 31 L. Ed., 591.) 3

[U. S., 1895.]

Act of November 3, 1893 (exclusion act), applies to Chinese persons who left the country before its passage and afterwards seek to return.—(Lew Jim *v.* United States, 66 Fed., 953; 14 C. C. A., 281; 29 U. S. App., 513. Lai Moy *v.* Same, 66 Fed., 955; 14 C. C. A., 283; 29 U. S. App., 517.) 4

[U. S., 1885.]

Section 6 of the restriction act is not applicable to Chinese subjects, residents of the United States, who left the United States for foreign countries for temporary purposes, intending to return before the passage of the amendatory act of 1884, having a right to return at the time of their departure, and who did not return till after the passage of the act; nor to Chinese subjects, residents of the United States, departing for temporary purposes of business or pleasure since the passage of the act.—(In re Ah Ping, 23 Fed., 329.) 5

[U. S., 1892.]

A Chinaman who formerly resided in the United States and acquired an interest in a firm long established and doing business here, although he returned to China and remained over six years, retaining his interest in the firm and receiving his share of the profits, has a "commercial domicile" in the United States and can not be sent back to China under the exclusion act.—(Law Ow Bew *v.* United States (1892), 144 U. S., 47; 12 Sup. Ct., 517; 36 L. Ed., 340, followed. United States *v.* Chin Quong Look, D. C., 52 Fed., 203.) 6

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[U. S., 1888.]

1 Chinese subjects purchasing through tickets and embarking in an American vessel, from one American port to another, who do not leave the vessel when she, having leave to do so, touches at a foreign port have not departed from the United States within the meaning of the Chinese-exclusion act of Congress of October 1, 1888.—(In re Tong Wah Sick, 36 Fed., 440.)

2 A Chinese laborer who ships on an American vessel at an American port for a round voyage and who does not land at any foreign port, but remains on board until the voyage is completed, does not depart from the United States within the meaning of the Chinese-exclusion act of October 1, 1888.—(In re Jack Sen, 36 Fed., 441.)

[U. S., 1884.]

3 Chinese laborers who were in the United States at the date of the treaty with China (1880), and who departed before the act of 1882 took effect are entitled to land without producing custom-house certificates.—(In re Tung Yeong, 19 Fed., 184.)

[U. S., 1885.]

4 The sixth section of the Chinese-restriction act of 1882, as amended by the act of 1884, is not applicable to a Chinese merchant, one of a firm residing and doing their principal business in the United States, who temporarily departed therefrom before the passage of said act to attend to a branch of the said firm's business in British Columbia, and who returned to the United States after the passage of said act; and he may reenter the United States without producing the certificate required thereby.—(In re Ah Ping, 23 Fed., 329.)

[U. S., 1884.]

5 Act of Congress of May 6, 1882, chapter 126, section 4, as amended by act of July 5, 1884, chapter 120, prescribing the certificate which shall be produced by a Chinese laborer as the only evidence permissible to establish his right of "reentry" into the United States, is not retrospective and does not apply to Chinese laborers who, residing in this country at the date of the treaty of November 17, 1880, which gave to such Chinese laborers the right to come and go at will, departed by sea before May 6, 1882, and remained out of the United States until after July 5, 1884.—(Chew Heong *v.* United States, 112 U. S., 536; 5 Sup. Ct., 255; 28 L. Ed., 770.)

[U. S., 1891.]

6 Act of Congress of May 6, 1882, section 6 (22 Stat., 58, ch. 126), provides that every Chinese person other than a laborer, who may be entitled to come within the United States, shall produce a prescribed certificate of his identity and of his right to enter; and act of July 5, 1884, provides that this certificate "shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States." Act of October 1, 1888, prohibits any Chinese laborer who had been, or was then, or might

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hereafter be, a resident within the United States, and who had departed or might depart therefrom, to return to or remain in the United States. *Held*, that since the passage of the latter act no Chinese person, formerly resident in the United States but temporarily absent therefrom, is entitled to return without the prescribed certificate.—(Wan Shing *v.* United States, 140 U. S., 424; 11 Sup. Ct., 729; 35 L. Ed., 503.)

[U. S., 1892.]

Section 6, act of Congress of May 6, 1882, as amended by act of July 5, 1884 (the Chinese-exclusion act), requiring the presentation of a viséed certificate from the Chinese Government to entitle a Chinese person to enter the United States, and declaring it the sole evidence of the right to enter, does not apply to a Chinese merchant domiciled in the United States, who, having left the country for temporary purposes animo revertendi, seeks to reenter it on his return to his business and home.—(Law Ow Bew *v.* United States, 144 U. S., 47; 12 Sup. Ct., 517; 36 L. Ed., 340. United States *v.* Gee Lee, 50 Fed., 271; C. C. 1 A., 516; 7 U. S. App., 183.) 1

[U. S., 1882.]

Under the Chinese-exclusion act, a laborer who leaves the United States temporarily may return on obtaining a certification of indentification.—(Case of the Chinese Cabin Waiter, 13 Fed., 286.) 2

The prohibition of the act of Congress upon any master of a vessel bringing into the United States any Chinese laborer from any foreign port or place means from bringing any Chinese laborer embarking at a foreign port or place and does not apply to the bringing of a laborer already on board of the vessel when it touches at a foreign port.—(Case of the Chinese Cabin Waiter, 13 Fed., 286; In re Ah Sing, id.; Case of the Chinese Laborers on Shipboard, id. 291; In re Ah Tie, id.) 3

While on board an American vessel a Chinese laborer is within the jurisdiction of the United States, and retains his right of residence here previously acquired by treaty with China.—(Case of the Chinese Cabin Waiter, 13 Fed., 286; In re Ah Sing, id.; Case of the Chinese Laborers on Shipboard, id., 291; In re Ah Tie, id.) 4

A person on board of a vessel of the United States or any one of them is, in contemplation of law, within the territory and jurisdiction of the United States; and therefore a Chinese laborer who shipped on an American vessel at London prior to the passage of the act aforesaid and continued on her until her arrival in the United States, although after the expiration of the ninety days next following the passage of said act, is entitled to reside therein.—(In re Moncan, 14 Fed., 44.) 5

[U. S., 1884.]

A Chinaman shipped as a seaman at Calcutta on an American vessel, and arrived in New York, when the crew was discharged, the master intending to ship the Chinaman on board some other vessel on a return voyage without landing. The Chinaman was arrested 6

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by the United States marshal, under the restriction act of Congress of July 5, 1884, and was lodged in jail. On habeas corpus, *held* that seamen landing temporarily only, for the purpose of procuring a chance to ship on a return voyage in the ordinary pursuit of their vocation on the high seas, are not within the act, and are not required to procure the certificate described in section 6 of that act.—(In re Ah Kee, 22 Fed., 519.)

[U. S., 1894.]

1 A Chinese merchant, within the exception of the Geary exclusion act, need not have his name appear in the firm designation, if his real interest appears in his own name in the firm accounts and articles of copartnership.—(Lee Kan *v.* United States, 62 Fed., 914; 10 C. C. A., 669; 15 U. S. App., 516.)

[U. S., 1895.]

2 A Chinese person who, during half his time, is engaged in sewing and cutting garments for sale by the firm of which he is a member is not a merchant within the exclusion act of November 3, 1893.—(Lai Moy *v.* United States, 66 Fed., 955; 14 C. C. A., 283; 29 U. S. App., 517.)

[U. S., 1884.]

3 Under the Chinese-exclusion act only laborers are included, and those who have come to engage, in good faith, in mercantile occupations are entitled to land.—(In re Tung Yeong, 19 Fed., 184.)

[U. S., 1894.]

4 Act of Congress of November 3, 1893, provides that a Chinaman, seeking entrance into the United States on the ground that he was formerly engaged as a merchant therein must show that his business was conducted " in his own name." *Held*, that such person must be excluded where it appears that the business was conducted under a firm name of which his own name was no part, though there is evidence that he was a partner, and that Chinese merchants do not, in general, conduct business in individual or partnership names.—(In re Quan Gin, D. C., 61 Fed., 395.)

[U. S., 1882.]

5 A Chinese resident, here before the passage of the act of Congress restricting immigration of Chinese, has a right to remain and follow any lawful trade or pursuit, and his liberty so to do can not be restrained by invalid legislation.—(In re Quong Woo, 13 Fed., 229.)

[U. S., 1884.]

6 The Chinese-exclusion act does not prevent parents living in the United States from sending for their children who are too young to be classified as laborers.—(In re Tung Yeong, 19 Fed., 184.)

[U. S., 1894.]

7 Where a woman married according to Chinese laws to a Chinaman then in the United States is brought to the United States by direc-

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tion of her husband, both acting in good faith, she is entitled to land, there being no evidence that she is a prostitute.—(In re Lum Lin Ying, D. C., 59 Fed., 682.)

[U. S., 1882.]

The status of a person employed on an American vessel is not changed by the fact that he is permitted by the captain to land for a few hours at a foreign port or place, and a Chinese laborer on an American vessel can not be held to lose his residence here, so as to come within the purview of the prohibitory act of Congress, by a temporary entry upon a foreign country.—(Case of Chinese Laborers on Shipboard, 13 Fed., 291; In re Ah Tie, id.) 1

Chinese-exclusion act of May 6, 1882, does not apply to one who entered a port of the United States as a member of the crew of a vessel arriving from a foreign port with the intention of returning or proceeding to another foreign port in the ordinary course of navigation.—(In re Moncan, 14 Fed., 44.) 2

[U. S., 1896.]

Prior to October 1, 1894, and at the date of the passage of the Geary Act, of May 5, 1892, S. was a Chinese merchant residing in San Francisco. He obtained a lease, running from October 1, 1894, to September 30, 1897, of certain fruit land in California, on which he employed laborers; and he performed certain manual labor himself—the extent of which did not appear—in assisting such laborers to care for and gather the fruit. S. failed to register as a laborer under the Geary Act, and proceedings for his deportation were commenced. *Held*, that S., having been a merchant at the time of the passage of the act, and during the time for registration, was not made liable to deportation by subsequently becoming a laborer.—(United States *v.* Sing Lee, D. C., 71 Fed., 680.) 3

DEPORTATION TO WHAT COUNTRY.

[U. S., 1891.]

The words "country from whence he came," as used in act of Congress, October 1, 1888, providing for deportation "to the country from whence he came" of a Chinaman not entitled to remain in the United States, and other acts on the subject, do not refer exclusively to the Empire of China.—(In re Leo Hem Bow, D. C., 47 Fed., 302.) 4

A Chinese laborer having left the United States for a visit to China, and being by act of Congress of October 1, 1888 (25 Stat., 504), prohibited from returning, did return unlawfully via British Columbia, having spent one year as a sojourner in that country. On his arrival in the United States he was arrested, and by a United States commissioner sentenced to be deported to British Columbia; but he was without means to pay the $50 head tax exacted by the laws of Canada of persons of his class on entering that country, and for that reason debarred from returning to British Columbia. *Held*, that the court, on application of the United States attorney, may vacate said sentence, and issue a new writ of deportation to China, for the reasons that the commissioner's order is impossible of execution, and effective only to detain and imprison the defendant in this country unlawfully; and that China is the country from whence he came, 5

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within the meaning of the act of Congress providing for the deportation of Chinese persons found to be not lawfully entitled to remain in the United States.—(United States *v.* Ah Toy, D. C., 47 Fed., 305.)

1 Where a Chinese person has been convicted of being unlawfully in the United States, and the evidence shows that he entered the United States from Canada, after having been in that country for a time, he must be returned to Canada under the act which provides that such person shall be removed to "the country whence he came."—(In re Mah Wong Gee, D. C., 47 Fed., 433.)

2 The original Chinese exclusion act of 1882, section 12, provides that any Chinese person convicted of unlawfully being in the United States shall be removed to the country "whence he came," and the same expression is used in all the amendments. Section 15 of the amendment of 1884, as well as section 1 of the act of September 13, 1888, declares that the provisions of this act shall apply to all "subjects" of China, and Chinese, "whether subjects of China or any other foreign power." *Held*, that the latter expressions do not qualify the former, so as to require a convicted Chinaman to be returned to the country of which he is a "subject;" and one who acquired a domicile in Canada before coming into the United States must be returned to that country and not to China.—(United States *v.* Chong Sam, D. C., 47 Fed., 878.)

3 A Chinese laborer was arrested for being in the United States in violation of the exclusion acts, as amended by act of Congress of October 1, 1888. The evidence showed that he had been in this country continuously for twenty-two years prior to April 1, 1891, but that he was at Kingston, Canada, in the last week of that month. He denied having been there, and there was nothing to show his purpose in going or his intention as to returning. *Held*, that he was unlawfully in the United States, and should be returned to Canada as the country "whence he came."—(Wan Shing *v.* United States (1891), 140 U. S., 424; 11 Sup. Ct., 729; 35 L. Ed., 503, applied. In re Ah Tie (1882), 13 Fed. 291, distinguished. United States *v.* Don On, C. C., 49 Fed., 569.)

[U. S. C. C. A., Wash., 1902.]

4 Chinamen arrested just after crossing into the United States from British Columbia should be deported to China under act of May 5, 1892, ch. 60, sec. 2, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), there being no evidence that they were citizens of or subjects of British Columbia, but merely that they had lived there between one and a half and three years, and had property there, and no trick being played on them in the matter of their arrest, further than that the person who drove them to the boundary line disclosed to the officers the nature of the work he was engaged in.—(United States *v.* Lee Kee, 116 F., 612; 54 C. C. A., 68.)

5 Under the exclusion acts of 1882 and 1884, when it is impracticable to deport a Chinese person by the vessel on which he came, such vessel having sailed, the court may direct the marshal, to whose custody such Chinese person has been remanded, to cause him to be removed to the country whence he came. (In re Chin Ah Sooey, 21 F. R., 393, Dist. Ct., Aug. 21, 1884.)

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The words "country from whence he came," as used in the several acts of Congress providing for the deportation of Chinese persons found to be not lawfully entitled to remain in the United States, do not refer exclusively to the Empire of China; therefore, where it appears that a Chinaman actually entered the United States from Canada, the court's order will be that his deportation will be to Canada.—(In re Leo Hem Bow, 47 F. R., 302, Dist. Ct., Aug. 20, 1891.) 1

Court will order deportation to China of Chinese persons who unlawfully entered the United States from Canada, after a year's sojourn there, if said person can not pay head tax required under Canadian laws.—(United States *v.* Ah Toy, 47 F. R., 305, Dist. Ct., Aug. 20, 1891.) 2

Where a Chinese person has been convicted of being unlawfully in the United States, and the evidence shows that he entered the United States from Canada, after having been in that country for a time, he must be returned to Canada under the act which provides that such person shall be removed to "the country whence he came."—(In re Mah Wong Gee et al., 47 F. R., 433, Dist. Ct., Sept. 7, 1891.) 3

A Chinese person adjudged to be unlawfully in the United States must be returned to the country in which he has acquired a domicile.—(United States *v.* Chong Sam, 47 F. R., 878, Dist. Ct., Nov., 1891.) 4

A Chinese laborer was arrested for being in the United States in violation of the exclusion acts, as amended by the act of October 1, 1888. The evidence showed that he had been in this country continuously for twenty-two years prior to April 1, 1891, but that he was at Kingston, Canada, in the last week of that month. He denied having been there, and there was nothing to show his purpose in going or his intention as to returning. *Held*, that he was unlawfully in the United States and should be returned to Canada as the "country whence he came."—(United States *v.* Don On, 49 F. R., 569, Cir. Ct., Nov. 20, 1891.) 5

Chinese persons arrested just after crossing into the United States from British Columbia should, under section 2 of the act of May 5, 1892, be deported to China, there being no evidence that they were citizens or subjects of British Columbia, but merely that they had lived there between one and a half and three years and had property there.—(United States *v.* Lee Kee et al., 116 F. R., 612, C. C. A., May 5, 1902.) 6

The burden of proof rests upon a Chinese person ordered deported to sustain his claim of right to be removed to a country other than China, on the ground that he is a subject or citizen of such country.—(United States *v.* Sing Lee, 125 F. R., 627, Dist. Ct., Oct. 8, 1903.) 7

Chinese persons found to be unlawfully in this country may be removed directly to China unless they show that they are not subjects of China and are the subjects of some other foreign country. If a person of the Chinese race is found unlawfully within this country, and claims to be entitled to be returned to a foreign country other than China, the burden of proof is upon him to establish the conclusion that he is a subject of such foreign country.—(20 Ops. Attys. Gen., 171, June 30, 1891.) 8

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[Ariz., 1907.]

1 A Chinaman who was a resident merchant in the United States prior to the congressional legislation relative to the exclusion of Chinese laborers, and who is in possession of a merchant's certificate providing for his reentering after a temporary absence, can not be held to be unlawfully in the United States because he has become a restaurant keeper and has no laborer's certificate.—(United States *v.* Quong Chee, 89 P., 525.)

[U. S. C. C. A., Mich., 1907.]

2 Evidence considered and held sufficient to entitle a Chinese person arrested for being unlawfully within the United States to his discharge on the ground that he was a citizen of the United States by birth; there being direct testimony of apparently credible witnesses to such fact, and no evidence to the contrary, except a statement made by defendant to the inspectors who arrested him, which, although somewhat inconsistent with such claim, was not irreconcilable therewith.—(Pang Sho Yin *v.* United States, 154 F., 660; 83 C. C. A., 484.)

[U. S. D. C., Oreg., 1907.]

3 The fact that a Chinese person, who, as shown by uncontradicted evidence, entered the United States in 1898, when a minor 14 or 15 years old, his father being at the time a merchant engaged in business in San Francisco, did not have a certificate under section 6, act of May 6, 1882, chapter 126, 22 Stat., 60, as amended by act of July 5, 1884, chapter 220, 23 Stat., 116 (U. S. Comp. St., 1901, p. 1307), does not raise any presumption that his entry was unlawful, no such certificates being then required under the decisions of the Supreme Court to entitle the wives and children of Chinese merchants residing in this country to entry.—(United States *v.* Chin Sing, 153 F., 590.)

[U. S. C. C. A., Cal., 1902.]

4 Section of act of May 5, 1892, chapter 60, 27 Stat., 25, as amended by act of November 3, 1893, chapter 14, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1321), requiring all Chinese laborers then lawfully in the United States to procure certificates of residence within six months, under penalty of deportation, can not be construed to authorize the deportation of a Chinese woman who lawfully entered the country before the enactment of any exclusion laws, and remained, but who failed to obtain the required certificate, where she was thereafter, and prior to her arrest, lawfully married to a citizen of the United States. Assuming that she was subject to deportation previous to her marriage, she then, having lawfully entered the country, took the status of her husband as to the right of domicile in the United States and, if deported, under a strict construction of the act, would have the right to immediately return and remain as the lawful wife of an American citizen.—(Tsoi Sim *v.* United States, 116 F., 920; 54 C. C. A., 154.)

[U. S. C. C. A., Cal., 1906.]

5 Defendant, in 1890, became a member of two Chinese mercantile firms in California, his name appearing on the partnership books

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as a partner, and so continued up to the time of the commencement of deportation proceedings. From 1890 to 1900 he engaged in no manual labor, but devoted his entire time to his mercantile interests, until he purchased an interest in a shrimp company in March, 1900, after which, from March till August, he devoted a portion of his time to keeping books for that concern, but did manual labor, such as pickling shrimps and delivering them to customers. The shrimp business was absorbed by another company in which he was interested until May, 1902, when he sold the interest in the purchasing company and returned to China, he having devoted his entire time after the sale and before his return to the mercantile business of the firms of which he was a member. *Held*, that by engaging in manual labor while in the shrimp business he did not lose his right to remain in the United States under exclusion act of May 5, 1892, ch. 60, sec. 6, 27 Stat., 25, as amended by act of Congress of November 3, 1893, ch. 14, sec. 1, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1321), providing for the exclusion of nonregistered Chinese on their ceasing to be merchants and engaging in manual labor.—(Ow Yang Dean *v.* United States, 145 F., 801; 76 C. C. A., 365.)

Where a Chinese merchant for a year prior to his return to China did no manual labor except that for a short time he assisted in pickling shrimps and going in wagons to deliver them to customers in connection with the business of the shrimp company, in which he was a partner, such work did not amount to the doing of manual labor, and not necessary in the conduct of his business within exclusion act of May 5, 1892, ch. 60, sec. 6, 27 Stat., 25, as amended by act of Congress of November 3, 1893, ch. 14, sec. 1, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1321), depriving him of the right to reenter the United States on his return.—(Ow Yang Dean *v.* United States, 145 F., 801; 76 C. C. A., 365.) 1

[U. S. D. C., Cal., 1899.]

The provisions of the act of March 3, 1891 (26 Stat., 1084), excluding certain classes of aliens from admission to the United States, and requiring their deportation, do not apply to aliens domiciled in this country, and who are returning thereto after a temporary absence.—(In re Ota., 96 F., 487.) 2

[U. S. C. C. A., N. Y., 1897.]

An infant child of a Chinese merchant lawfully residing in the United States is not entitled to enter the country without the production of the certificate required by the act of July 5. 1884 (1 Supp. Rev. St., 2d ed., p. 458), which is the sole evidence of the right of a Chinese alien to enter.—(C. C., In re Li Foon, 80 F., 881, appeal dismissed; Li Foon *v.* McCarthy, 96 F., 1005; 37 C. C. A., 664.) 3

[U. S. C. C. A., N. Y., 1900.]

A Chinese person, not a laborer, who has come here with a certificate properly signed and viséed, and, after examination, has been permitted to enter the United States, and has engaged in business here as a merchant for seventeen months, can not, in the absence of 4

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fraud, be deported on the ground that the certificate is incomplete in matters of nomenclature and description.—(D. C., 1899, United States *v.* Pin Kwan, 94 F., 824; decision reversed in 100 F., 609; 40 C. C. A., 618.)

[U. S. C. C. A., N. Y., 1903.]

1 Article 2 of the treaty of 1894 between China and the United States, which provides that the general prohibition of the entry of Chinese laborers into this country contained in article 1 " shall not apply to the return to the United States of any registered Chinese laborer who had a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement," has reference to the condition of the laborer at the time of his return, and it is competent for the appropriate department of the Government to adopt a regulation requiring an inquiry into the matter by the immigration officers on the laborer's return, notwithstanding his possession of a collector's certificate, obtained when he left the country, as provided for by the treaty; and the adverse decision of such officers is within the terms of act of August 18, 1894, ch. 301, 28 Stat., 390 (U. S. Comp. St., 1901, p. 1303), and conclusive unless reversed on appeal to the Secretary.—(In re Ong Lung, 125 F., 814.)

[U. S., 1890.]

2 An immigrant who has been convicted in the country from which he came of an assault with a deadly weapon and has served the term of imprisonment imposed is a convict within the meaning of the act regulating immigration.—(In re Aliano, 43 Fed., 517; In re Varana, id.)

[U. S., 1895.]

3 The right of a Chinaman to readmission to the United States on the ground that he was already engaged as a merchant therein is governed by act of November 3, 1893, though he departed from the country before that act was passed.—(United States *v.* Loo Way (D. C.), 68 Fed., 475.)

[U. S. Sup., N. Y., 1904.]

4 The names of any of the partners need not appear in the company name under which a Chinese grocery is actually conducted at a fixed place of business in order to constitute them " merchants " within the meaning of Chinese exclusion act of May 5, 1892, ch. 60, sec. 2, 27 Stat., 25 (U. S. Comp. St., 1901, p. 1319), as amended by act of November 3, 1893, ch. 14, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1322), which defines a merchant as " a person engaged in buying and selling merchandise at a fixed place of business, which business is conducted in his name, and who, during the time he claims to be engaged as a merchant does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.—(Tom Hong *v.* United States, 24 S. Ct., 517; 193 U. S., 517; 48 L. Ed., 772. Tom Dock *v.* Same, id; Lee Kit *v.* Same, id.)

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[U. S. C. C. A., N. Y., 1900.]

Evidence that a Chinese person since he came into the United States has been assisting the business of a mercantile company, keeping the books and selling the goods of such company, interest in the stock of goods of such company, is insufficient to establish his status as a merchant within the status; it not being shown that his name appears in the partnership articles, or that he is in fact a partner.—(Decree (D. C., 1899) 94 F., 824, reversed; United States *v.* Pin Kwan, 100 F., 609; 40 C. C. A., 618.) 1

[U. S. D. C., N. Y., 1903.]

Act of September 13, 1888, 25 Stat., 477 (U. S. Comp. St., 1901, p. 1314), provides that Chinese laborers who depart from the United States may return at enumerated ports only on compliance with sections 5, 6, and 7, which require that the alien shall have a wife, child, or parent in the United States, or property of a certain value, etc., and that on leaving he shall apply to the collector of customs for the district from which he wishes to depart, at least a month prior to his departure, and make oath concerning his family, property, etc. *Held*, that where a Chinese laborer holding a United States labor certificate departed from the United States at a point other than the place of departure prescribed, without applying to the collector of customs for permission to leave, etc., and thereafter reentered the United States at a nondesignated point, in the absence of evidence as to his intention in departing, he had forfeited his right to remain in the United States, and was subject to deportation.—(United States *v.* Tuck Lee, 120 F., 989.) 2

[U. S. D. C., N. Y., 1905.]

A Chinese merchant domiciled in the United States has the right to bring into this country with his wife minor children legally adopted by him in China, where it is shown that the adoption was bona fide, and that the children have lived as members of his family and have been supported by him for several years.—(Ex parte Fong Yim, 134 F., 938.) 3

Neither the Chinese treaty of 1880 nor subsequent legislation relating to Chinese exclusion has any relation to Chinese persons, not of the laboring class, who were, at the time of the adoption of that treaty domiciled in the United States, and who have since continued to reside therein; and such a person who temporarily leaves the country, with the intention of returning, can not be excluded on his return because he is not included in one of the classes expressly excepted from the operation of the exclusion acts, and who alone are permitted to enter the United States by rules 1 and 2 of the regulations adopted by the Department of Commerce and Labor, such rules being applicable only to persons seeking to enter for the first time.—(Ex parte Ng Quong Ming, 135 F., 378.) 4

[U. S. Sup., N. Y., 1901.]

A Chinaman seeking to enter the United States on a certificate showing that he was formerly engaged in this country as a merchant 5

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is required by act of Congress of November 3, 1893, ch. 14, sec. 2, 28 Stat., 7 (U. S. Comp. St., 1901, p. 1323), to establish to the testimony of two credible witnesses other than Chinese the fact that he conducted such business for at least one year before his departure from the United States, and that during such year he was not engaged in the performance of any manual labor, except such as was necessary in the conduct of his business as such merchant.—(Judgment (1898), In re Li Sing, 86 F., 896; 30 C. C. A., 451; 38 U. S. App., 1, affirmed. Li Sing *v.* United States, 21 S. Ct., 449; 180 U. S., 486; 45 L. Ed., 634.)

[U. S. D. C., Ohio, 1897.]

1 A Chinaman who is a member of a firm of Chinese merchants engaged in buying and selling merchandise at a fixed place of business, and who is sent out by such firm, as an employee, to take charge of another mercantile establishment in which said firm owns a one-half interest, is a merchant, and not a laborer, within the meaning of the act of November 3, 1893, and is not liable to deportation while thus employed.—(In re Chu Poy, D. C., 81 F., 826.)

[U. S. D. C., Ohio, 1900.]

2 The burden rests upon a Chinaman arrested for deportation, as being unlawfully within the United States, to prove that he belongs to one of the privileged classes named in the statute; and when he claims to be a merchant he must show a fixed place of business, and such frequent sales of merchandise as entitle him to be considered a merchant, within the ordinary meaning of the term, or an actual and substantial interest in some firm of such merchants.—(United States *v.* Lung Hong, 105 F., 188.)

[U. S. C. C. A., Wash., 1905.]

3 Where a Chinese female was sold as a slave in China, and her master, with the assistance of other Chinaman, brought her into the United States for immoral purposes, and after her escape she was cared for at a church home for Chinese women, and it appeared that a decree for deportation would be equivalent to remanding her to perpetual slavery and degradation, she was entitled to her discharge, under Constitution of the United States, amendment 13, providing that neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in the United States.—(D. C., 1904, United States *v.* Ah Sou, 132 F., 878; reversed, 138 F., 775; 71 C. C. A., 141.)

[U. S. Sup., Wash., 1900.]

4 The wife of a Chinese merchant residing in this country, not belonging to the laboring class, is not a person excluded by the laws and, upon her arrival, is entitled to enter and take up her residence with her husband, without producing the certificate prescribed by 1 Supp. Rev. St., 2d Ed., p. 459, sec. 6.—(In re Li Foon, C. C., 1897, 80 F., 881, disapproved. D. C., 1897, United States *v.* Gue Lim, 83 F., 136, judgment affirmed, 20 S. Ct., 415; 176 U. S., 459; 44 L. Ed., 544.)

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The wife and minor children of a Chinese merchant, who is domiciled in this country, may, under the act of Congress of 1884, construed in connection with the treaty of 1880, enter the country by reason of the right of the husband and father, without the certificate mentioned in the act.—(Judgment, D. C., 1897, 83 F., 136, affirmed. United States *v.* Gue Lim, 20 S. Ct., 415; 176 U. S., 459; 44 L. Ed., 544.) 1

[U. S. D. C., Wash., 1898.]

The wives and minor children of Chinese merchants lawfully domiciled in the United States are not laborers, and not within the intent of the exclusion acts.—(In re Lee Yee Sing, 85 F., 635.) 2

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STEERAGE LEGISLATION, 1819–1908.

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LETTER OF TRANSMITTAL.

THE IMMIGRATION COMMISSION,
Washington, D. C., December 5, 1910.

To the Sixty-first Congress:

I have the honor to transmit herewith, on behalf of the Immigration Commission, a report entitled "Steerage Legislation, 1819–1908." This report, which was prepared under the direction of the Commission by Glen Edwards, special agent, is a review of the federal legislation upon this subject from 1819, when the first United States law relating to the carriage of steerage passengers at sea was enacted, to 1908, when section 1 of the passenger act of 1882 was amended. The report also contains the present steerage laws of Great Britain, Germany, and Italy.

Respectfully,

WILLIAM P. DILLINGHAM,
Chairman.

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STEERAGE LEGISLATION, 1819 TO 1908.

CHAPTER I.

PERIOD OF THE SAILING VESSEL, 1819 TO 1855.

Prior to the year 1819 there were no United States laws governing or regulating in any manner ocean passenger traffic, either going from or coming to American ports. As a result abuses were permitted and practiced on transporting vessels that caused distress, disease, and death, especially among emigrants bound for America. From the beginning of the movement of population from Europe to the New World, suffering and death were common on emigrant ships. Among the earlier instances recorded was that of 3,000 Palatines forwarded in 1710 by England to New York, 470 of whom died on the voyage, and and 250 soon after their arrival, of ship fever. There is also a gruesome account given by a Moravian missionary to the Indians of experiences on a ship which sailed in 1731 for America from Rotterdam, with 156 emigrants. She was bound for Philadelphia via Falmouth. After delaying her departure from the first port for three weeks, she stayed for an equal period at Falmouth, and although victualed in the beginning of her voyage for only twelve weeks, no fresh supplies were taken on board. When she had been at sea eight weeks, the passengers were put on short allowance, and during the last four weeks of their journey they were unable to obtain bread. Finally, they were paying 18 pence for a rat, and 6 pence for a mouse, to such extremities had they been reduced. The captain, it seems, believed the passengers had considerable money and valuables with them. Thinking he might profit by it, he endeavored to reduce them to a state of starvation, and succeeded so well that of the 156 passengers only 48 reached America. If the passengers had not revolted, arrested the captain, and put in at a Rhode Island port after a voyage of twenty-five weeks, probably not a single passenger would have been landed.

In the earlier days of the Republic the emigration movement from Europe to the United States was small. It is estimated that from 1784 to 1794 the yearly immigration averaged about 4,000, and between 1794 and 1810 not more than 6,000 per year. Unfriendly relations existing between the United States and Great Britain greatly decreased the migration between 1810 and 1816, but soon after the declaration of peace, an unprecedented emigration movement from Europe to the United States occurred. It is estimated that no less than 20,000 persons arrived in 1817.[a] This greatly increased number

[a] United States Bureau of Statistics. "Immigration into the United States, 1820 to 1903," p. 1.

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of passengers coming upon a class of vessels totally unfit for such service even under normal conditions and completely unrestricted by any law on this side was responsible for indescribable suffering and great mortality. Upon the increased demand for transportation to the United States following the close of the second war with England, many vessels which had originally been constructed solely for the purpose of transporting freight were hurriedly transformed into emigrant passenger vessels, that they might enjoy some of the profits of a business that had become lucrative. This, together with the fact that excessive overcrowding was practiced by all vessels, rendered the condition of emigrants at sea almost unbearable. It was hardly to be expected that these vessels would be voluntarily transformed in such a way as to sacrifice carrying capacity for the sake of making them reasonably habitable.

For many years ships of one and two decks were most frequently used. Six feet was an extraordinary height for a steerage deck, the common height being from 4 to 5 feet. The lower or orlop deck,[a] also used for passengers, was little better than a black hole. During the stormy weather, which often prevailed on the long voyages, the hatches were battened down, shutting off from the first between-deck practically every vestige of daylight and ventilation, and leaving the orlop deck in a condition of darkness and foulness of atmosphere which defies description. It was customary for passengers to supply themselves with food for the voyage, and it frequently resulted that through their ignorance of everything connected with a sea voyage they failed to provide a sufficient quantity. On finding themselves short of food they had either to pay exorbitant prices for supplies from the ship's store or, lacking the necessary money, to borrow or steal from their more fortunate companions.

In the smaller vessels immigrants were usually accommodated on a temporary deck built over the cargo, upon which unstable foundation the passengers spread their bedding and secured their household goods as best they could. Even in the better ships their lot was hardly more favorable. They were usually forced to share the deck with objectionable cargo, such as ill-smelling bundles of green hides.

The position of steerage passengers was made all the more insecure because the captains and owners had no personal interest in their welfare. It was the custom to sell steerage room to agents who dealt directly with those desiring passage. To crowd as many as possible into the available space on the terms most advantageous to themselves, was, naturally, the ambition of these agents, and, once out of sight of land, the emigrants were left without redress of any kind if they found that they had been defrauded.

UNITED STATES PASSENGER ACT OF 1819.

Probably the immediate causes of the legislative interference of 1819 were the reports of the sufferings and privations to which emigrants had been subjected on board ship during the years following the close of the second war with Great Britain, and especially during 1817 and 1818.

[a] The lowest deck of a vessel of three decks; a temporary deck.—Webster.

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In presenting to the upper House of Congress the bill which resulted in the law of 1819, Senator Newton, of Virginia, said in part:

> In consequence of the anxiety to emigrate from Europe to this country, the captains, sure of a freight, were careless of taking the necessary quantity of provisions or of restricting the number of passengers to the convenience which their ships afforded. In the year 1817, 5,000 had sailed for this country from Antwerp, of whom 1,000 died on the voyage. In one instance a captain had sailed from a European port with 1,267 passengers. On his voyage he put into Texel, previous to doing which 400 had died. After being on the passage to our shores, before the vessel arrived at Philadelphia, 300 more had died. The remainder, when the vessel reached New Castle, were in a very emaciated state from the want of water and food, from which many of them afterwards died.

Senator Newton further said that the purpose of the bill was "to give to those who go and come in passenger vessels a security of comfort and convenience."

This bill, which became a law March 2, 1819,[a] contained provisions intended to regulate the number of passengers to be carried on each vessel and to provide for the sufficient and proper victualing of each vessel leaving a port in the United States. By this act each ship was limited to carry only two passengers to every 5 tons "of such ship or vessel's weight;" but the ship's crew was not included in this count. Each ship or vessel leaving an American port was to have on board for each passenger carried 60 gallons of water, 1 gallon of vinegar, 100 pounds of salted provisions, and 100 pounds of wholesome ship bread. The master of a ship was required to deliver to the collector of customs at the port of arrival a list or manifest of all passengers taken on board at a foreign port such list or manifest to contain the age, sex, and occupation of said passengers, the country to which they belonged and that of which it was their intention to become inhabitants. This provision of the law marked the beginning of statistics relative to immigration to the United States.

For twenty-seven years this law was in effect, but just how much good resulted from its operation and what real benefits it conferred on the emigrant passenger are matters of doubt. Certain it is that the chief object sought by its advocates in Congress, namely, "a security of comfort and convenience," was not realized in any appreciable degree. Eliminating for the time being such vessels as left United States ports with passengers for Europe, and considering only such as brought passengers to this country, it will be seen that the benefit to the individual emigrant resulting from the operation of the law amounted to little. By the limiting of the number of passengers according to the total tonnage of the ship rather than according to the tonnage capacity of the steerage, the emigrant was left as badly off in the matter of space as before. A ship of 1,000 tons, with a steerage of only 500 tons, could accommodate within the latter space no less than 400 persons, and as there was no provision that this space should be free of objectionable cargo, the individual was subjected to the old inconveniences in this regard without violation of the letter of the law. It is hard to see, moreover, what particular benefit resulted to immigrants from the provisions of the section relating to the amount of food supplies to be carried. These provisions concerned only vessels sailing from United States ports, and so did not compel the proper victualing of vessels coming to this country with passengers from foreign ports.

[a] Appendix A, p. 395.

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In summing up the effects of the law of 1819 it may be said that (1) It protected passengers on ships leaving this country for Europe, but not those leaving Europe for this country, from danger of death by starvation; (2) it restricted somewhat the number of passengers on all vessels, either coming or going; (3) it laid the foundation of the data which have since been collected with regard to immigration into the United States. During the earlier operation of this law it stood practically alone, only one other country having legislated on the subject. This fact may, partially at least, account for the apparent failure of the act of 1819 to show any marked beneficial results.

EARLY PASSENGER LAWS OF OTHER COUNTRIES.

In the same connection it is interesting to note the development in European countries of laws regulating the carriage of passengers at sea. During the period under consideration, by far the greater number of European emigrants to America sailed from British ports, and consequently the English laws regulating the carriage of passengers at sea were of great importance to the United States. Because of this act the English laws are discussed more in detail than are those of other maritime countries of Europe.

GREAT BRITAIN.

England preceded the United States by ten years in the matter of enacting passenger legislation, having passed a law upon that subject in 1809.[a]

By this act, the number to be carried, including the crew, was limited to one person for every 2 tons of the clear part of the ship, in a British vessel, and to two persons for every 5 tons, in a foreign ship. Vessels bound to North America were required to be provisioned for twelve weeks, so as to afford a daily allowance for each person of one-half pound of meat, 1½ pounds of biscuit or oatmeal, one-half pint of molasses, and 1 gallon of water. Regulations were prescribed for mustering the passengers and for promoting cleanliness on the voyage, and a surgeon was to be carried. Bond was to be given by the owners or masters for the seaworthiness of the ship and the delivery of the passengers at their destined port.

In 1817 this act was repealed in respect to British North America, and the number of passengers was limited to one passenger for every 2½ tons burden, and for ships partly loaded with goods this proportion was for the clear part only. For the first time, a distinction in computation was made between children and adults, three children under 14 being reckoned, where space was concerned, as one adult.

All preceding acts were repealed in 1823, and their principal provisions were embodied in a new law[b] which decreed that vessels should not carry from British ports to any place out of Europe a greater number of persons, including master and crew, than one for every 5 tons, without special permission or license from the commissioners of customs, which would be granted only to British vessels having 2 decks, with at least 5 feet 6 inches in height between them. Vessels carrying freight were permitted to take passengers in the

[a] 43 Geo., 3, 56. [b] 4 Geo., 4, 84.

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proportion of one adult to every 2 tons of unladen space, provided that to each passenger there should be allotted a clear space 2 feet 6 inches wide, 6 feet long and 5 feet 6 inches high, or from cargo to deck, when there was no second deck. Two children under 14, or three under 7, were to be counted as one adult. Bond was to be given that the vessel was seaworthy, properly stored with food and water, and provided with a surgeon, in cases where there were fifty persons, including the crew, on board. Passengers could be embarked only at a custom-house port. A penalty of £50 was imposed upon vessels for each person carried in excess of the number allowed under the law. Provisions were required for each passenger as follows: Five pints water, 1 pound bread or biscuit, 1 pound beef or three-fourths pound pork, daily; and 2 pounds flour, 3 pounds oatmeal, peas, or barley, and one-half pound butter, weekly. A penalty of £500 was imposed for relanding provisions. Rules for cleanliness and fumigation were established. The commissioners of customs, the local authorities at home, and officers of the navy and consuls abroad, were charged with the enforcement of the act. Some slight modifications were made in this law by the act of 1825, which, however, was practically a reenactment of the law and regulations of 1823. Two years later all legislation on the subject was repealed, and the trade was left without restriction for the next twelve months.

As the result of abuses which arose because of the absence of any legislative control, the law of 1828 was enacted.[a] This act was restricted in its operations to passenger traffic to the continent and islands of North America. The number of persons to be carried was limited to three persons for every 4 tons register. Ships in this trade were to have a height of 5½ feet between the decks or between the platform and the deck. Two children under 14 years, or three between 1 and 7 years of age were to be counted as one adult. Fifty gallons of water, and 50 pounds of bread, biscuit, or oatmeal, were to be found for each passenger. Provisions, water, or stores were not to be carried on that part of the between-decks apportioned to emigrants. Passengers were to be landed only at places contracted for, and the masters were to enter into bond for the due performance of the regulations of this act.

The act of 1835 placed the tonnage check at three persons for every 5 tons, required ships to have a height between decks of 5 feet 6 inches, and allotted to each passenger 10 clear superficial feet of space on the lower deck or platform. Ships having two tiers of berths were to have 6 inches between the bottom of the lower berths and the deck. Five gallons of water, and 7 pounds of bread, biscuit, oatmeal, or breadstuffs, per week, were required for each passenger. The length of the voyage to different points was computed as follows: North America, ten weeks; South America on the Atlantic, twelve weeks; West Coast of Africa, twelve weeks; Cape of Good Hope, fifteen weeks; Mauritius, eighteen weeks; any other voyage, twenty-four weeks. Customs officers were to examine the provisions and water. A table of prices at which provisions were to be sold on the ship to passengers, was to be made out and displayed on board. Vessels were to be proved seaworthy. Ships carrying 100 passengers were to have a physician, and those carrying less than 100 were to

[a] 9 Geo., 4, 21.

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have a proper supply of medicines. Restrictions were laid against the quantity of liquor to be carried. Lists of passengers, with their names, ages, and occupations, were to be made out and delivered to the chief officer of customs. Passengers were not to be landed without their consent at ports not contracted for. Two children under 14, or three between 1 and 7 years, were to be counted as one adult, and those under 1 not to be counted. If vessels were detained for any cause except foul weather, or other unavoidable cause, passengers were entitled to be fed or to receive 1 shilling per day in lieu thereof for every day so detained. Passengers were entitled to remain on board for forty-eight hours after the arrival of the ship in port, except where the ship proceeded to another port, in prosecution of her voyage. Masters were required to give bond for the performance of these regulations.

By the act of 1842[a] the tonnage check was fixed at three persons (including crew and master) for every 5 tons, and it was decreed that, whatever the tonnage might be, no more than one person for every 10 superficial feet should be carried, a penalty of not more than £5 being attached for every passenger carried in excess of this. The lower deck was to be not less than 1½ inches in thickness and was to be secured to the hold beams. The height between decks was to be at least 6 feet. The berths were to be 1 foot 6 inches wide by 6 feet long, and were to be well constructed, with the lower tier placed 6 inches above the deck floor. Three quarts of water per diem was to be issued to each passenger, and a supply of provisions at the rate of 7 pounds of breadstuffs per week, one-half to be bread or biscuit, while the other half might be potatoes, 5 pounds of which were to be reckoned equal to 1 pound of breadstuffs. Two children under 14 were equal to one passenger. The provisions and water were to be inspected by emigration officers, and the seaworthiness of vessels was to be determined by them also. The number of boats was regulated according to the size of the vessel. On voyages lasting more than twelve weeks, ships were required to have a physician on board. The sale of spirits to passengers was prohibited. The enforcement of the law rested with the Government emigration agents and customs officers.

The act[b] of 1847 brought within the operation of the law ships that carried more than one passenger for every 25 tons of the registered burden. Commissioners of emigration were empowered to vary the diet. Vessels coming within the operation of this act were prohibited from carrying gunpowder, vitriol, or green hides. The act provided for ventilation between decks, a survey of the ship, and a proper crew. Further amendments were made in 1848.[c] A ship carrying more than 100 passengers was required to have a cook and proper cooking apparatus; and if the ship had no physician it was required that 14 instead of 12 superficial feet be allotted to each passenger. Passengers were to be examined by a physician, and, if likely to endanger the health of other passengers, were not permitted to proceed. The Queen in council was empowered to issue rules and regulations for the preservation of order on board. Ships carrying less than one passenger to every 25 tons register were exempted from the act.

[a] 5 and 6 Victoria, 107. [b] 10 Victoria, 103. [c] 11 Victoria, 6.

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From 1819 to 1847, other governments enacted legislation regarding the emigrant passenger traffic, as follows:

HOLLAND.

Holland, in 1837, adopted regulations governing the responsibilities of those engaged in transporting passengers in the matters of the condition and seaworthiness of vessels, undue delays in departure, and medical attendance aboard ship. Supervisors were appointed to examine the quantity and quality of the provisions, and to certify to the seaworthiness of vessels. Ships were allowed to carry four passengers for every 10 tons (4 to every 5 lasts) to countries permitting that number. Two children under 15 could be counted as one passenger. Each passenger was to have for the voyage 50 pounds bread, 100 pounds potatoes, 25 pounds beans and peas, 10 pounds meal, 30 pounds rice, 20 pounds smoked or salted meat, and a proportionate quantity of butter, vinegar, and salt, together with sufficient sweet water. In vessels bound to New Orleans, 30 pounds additional of substantial food was required for each passenger. The captain had charge of the provisions and water, which he was to distribute daily, in equal quantities, to each passenger. The emigrant was allowed 200 pounds of baggage free of charge. Such clothing only as was necessary for use was permitted in the steerage.

BELGIUM.

Belgium, in 1843, charged "maritime commissioners" with the inspection of vessels engaged in transporting emigrants. It was the duty of these commissioners to report upon the condition of such ships and to decide whether or not they were seaworthy. They also were empowered to adopt such measures as they thought necessary to insure the health and well-being of passengers during the voyage. If they had reason to believe that there was an infectious or other disease aboard a ship, it was their duty to have an examination of suspected cases by a naval surgeon, and to prevent the afflicted persons from embarking. Two passengers to every 5 tons were allowed, and no more. Voyages to the United States were computed at ninety days. Ships were not permitted to clear until it had been ascertained that food and stores of good quality had been provided for each passenger as follows: Twenty pounds biscuit, 10 pounds rice, 10 pounds flour, 22 pounds beans and peas, 16 pounds salt meat, 6 pounds butter, 2 pounds salt, 6 quarts vinegar, and 40 pounds coal. Potatoes could be substituted, in part, for biscuit. Each passenger was to have two-thirds of a gallon of good water daily, and the vessels were to be supplied with fresh medicines, with directions for taking them.

HAMBURG.

In 1845 the government of Hamburg limited to citizens and inhabitants of the Republic the business of forwarding emigrants, but masters of foreign vessels were permitted to engage passengers if citizens became sureties that the engagements would be complied with. The contractor was to see that the vessel employed was in good condition and properly arranged for the comfort of her passengers. The steerage was required to be 5½ feet high, and divided into

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berths 6 feet long. Berths for four adults were to be 6 feet wide, and not more than two tiers were permitted. No merchandise was to be stowed between the berths of passengers. Provisions were to be supplied for thirteen weeks. The contractor had to produce to the chief of police an insurance policy in which it was stipulated that the company or concern insuring engaged to pay all costs accruing to passengers in the event of accident to the vessel, and if the vessel was so damaged as to prevent her continuing her voyage, to provide them with a passage to their port of destination. Each passenger had a right to demand a certified copy of the contract made by him, and copies of the law were to be posted in conspicuous places in every emigrant vessel.

BREMEN.

The senate of Bremen had almost from the beginning of its activity in regulating passenger-carrying ships required the masters not only to furnish provisions, but also to distribute them, already cooked, to the passengers. In 1847, the Bremen senate passed a law embodying the provisions of the earlier acts. Only those who were citizens of Bremen were allowed to forward passengers, and they were also required to be residents and in business. Ships were forbidden to be advertised in local papers except by their owners, correspondents, ship brokers employed by them, and those who had chartered them. For voyages to the United States ships were to be provisioned for thirteen weeks, and with the specified amount for each passenger irrespective of age or sex, besides a sufficient supply of sago, wine, and medicines for children and sick persons. The quality and quantity of provisions were subject to the inspection of an officer comsioned for that purpose, and his certificate as to the condition and quantity of the supplies had to be obtained before the vessel was allowed to start on her voyage.

UNITED STATES PASSENGER ACT OF 1847.

In the United States, no legislation relative to the carriage of passengers at sea was enacted between 1819 and 1847. In the latter year, Congress passed an act, approved February 22, entitled "An act to regulate the carriage of passengers in merchant vessels."[a] This law superseded the law of 1819 by changing all of its provisions except the one regulating the victualing of ships, which remained the same as in the old law. The law of 1847 contained several innovations intended to add to the comfort of steerage passengers. The number of passengers allowed was one to every 2 tons register of the ship, and as an additional restriction masters were required to allot to each passenger a certain amount of deck space, varying according to the deck on which the passenger was berthed. On the lower deck 14 clear superficial feet of deck space was allowed to each passenger, which amount was increased to 20 clear superficial feet if the ship was to pass within the tropics. On an orlop deck 30 clear superficial feet of space was to be allowed for each passenger in all cases.

Regulations were included which prescribed the number, size, and position of the berths. As at first provided, children under 1 year

[a] Appendix A, p. 395.

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were to be left out of the computation of the number of passengers, and two children between the ages of 1 and 8 were to be considered equal to one passenger; but the latter part of this provision was almost immediately repealed, so that all above 1 year were counted as adults.[a]

The principal provisions of this bill, namely, that which added a certain amount of superficial area to the tonnage check then in force as a means of further preventing overcrowding, and that which specified the number, size, and construction of the berths, were efforts in the right direction. The effect produced was, however, of a somewhat doubtful nature. Ship brokers and their agents had arranged, under the terms of the old law, with bodies of emigrants for their transportation at a subsequent date. Immediately after these provisions became effective, the ship owners correspondingly advanced transportation rates on all emigrant traffic to the United States. As previously stated, emigrant passage was chiefly sold by ship brokers, who paid the owners a certain price for the privilege of using the ship space for that purpose, these brokers selling the space to individual emigrants. In this manner the brokers had contracted to furnish a large number of people with transportation at the prevailing rates, when the law of 1847 went into operation. In order, therefore, to avoid the space restrictions of the American law, and to save themselves from heavy financial losses, they persuaded many emigrants to change their destination from United States ports to the port of Quebec. Ships under contract made similar arrangements in many cases. Under the British passenger law of that time it was possible for a ship to carry at least one-third more emigrants to Canada than could be carried to United States ports under the law of 1847. The law of the State of New York respecting immigration was another factor which influenced ship brokers and owners in their attempt to turn the tide of emigration from United States to Canadian ports. This law held ships responsible for the maintenance of immigrants who became public charges in that State, and required that bonds be furnished as a protection to the State in that regard. This restriction was avoided by landing emigrants at Quebec.

The law of 1847 was a step toward a much-needed reform in the conditions under which emigrants were carried at sea, for by its provisions the long-existant evil of overcrowding was in part mitigated. Nevertheless, the period of about fifteen months during which the law was in force was one of the most distressing in the history of European emigration to the new world. The potato famine in Ireland occurred in the year 1847, and in consequence there was a great increase in emigration from that country, as well as from other parts of the United Kingdom. During the first six months of 1847 a total of 174,048 emigrants sailed from British ports for the United States and British colonies in North America. Of these 101,767 were destined to the United States and 72,281 to the British colonies, chiefly of course to Canada. During the whole of the preceding year, 1846, the emigrants embarking at British ports for the United States and for British colonies in North America, numbered, according to Hon. A. Dudley Mann, respectively 82,289

[a] Appendix A, p. 395.

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and 43,439, a total of 125,728.[a] The same authority estimates that of the number leaving British ports for the United States during the six months of 1847 referred to, 75,000 were Irish. It is probable that the Irish element in the emigration to Canada during the period relatively was as large.

It was impossible to accommodate the large and sudden increase of emigration on ships regularly engaged in the traffic, and as a result many vessels unfit for the carriage of passengers were hastily transformed and pressed into the service. This was particularly true of the situation in Ireland, where the numbers who fled from famine were too great to permit of their moving in the accustomed channels of emigration. In the report referred to, Mr. Mann states that while previously about 95 per cent of all British emigrants had embarked at Liverpool, during the first six months of 1847 the proportion decreased nearly one-third, due to the augmentation of direct navigation intercourse between Irish and American ports.

Famine-stricken Ireland was also fever ridden. Habits of life under the stress of famine were such as to encourage the spread of the disease, which was carried aboard ship, where, in the overcrowded and poorly ventilated steerage quarters, thousands died of ship fever and thousands more survived the voyage only to die after landing in the United States or Canada. Something of the conditions which prevailed in the steerage on immigrant ships at this period is shown in a letter of John H. Griscom, M. D., of New York, to the select committee of the United States Senate, appointed in 1853 to investigate the carriage of steerage passengers at sea. In this communication Doctor Griscom says in part:[b]

My first practical cognizance of the horrible condition in which emigrants are frequently found on shipboard was in 1847, when, as a member of a committee of the New York Academy of Medicine, I visited the quarantine establishment to inquire into the medical history of the typhus fever, then extensively prevailing and crowding that institution with patients. On that occasion we visited the ship *Ceylon*, from Liverpool, which had come to anchor a few hours before, with a large cargo of passengers. A considerable number had died upon the voyage, and 115 were then ill with the fever, and were preparing to be removed to the hospital. Before any had yet left the ship, we passed through the steerage, making a more or less minute examination of the place and its inhabitants; but the indescribable filth, the emaciated, half-nude figures, many with the petechial erupture disfiguring their faces, crouching in the bunks, or strewed over the decks, and cumbering the gangways; broken utensils, and débris of food spread recklessly about, presented a picture of which neither pen nor pencil can convey a full idea. Some were just rising from their berths for the first time since leaving Liverpool, having been suffered to lie there all the voyage, wallowing in their own filth. It was no wonder to us that with such total neglect of sanitary supervision, and an entire absence of ventilation, so many of such wretched beings had perished, or were then ill of fever; it was only surprising that so many had escaped.

Bad as were conditions on ships sailing to United States ports, on ships bound to Canada they were even worse. As previously stated, the British law permitted a greater degree of crowding than was allowed under the United States act of 1847, and as there was no lack of emigrants, particularly from Ireland, during the period under consideration, the number of steerage passengers taken on board was usually limited only by the carrying capacity of the vessel.

[a] Sickness and Mortality on Board Emigrant Ships. (Rep. Com. 386, 33d Cong., 1st sess., p. 39.)
[b] Ibid., p. 54.

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Moreover, a number of the converted emigrant ships previously referred to were in the Canadian trade, and on many of them conditions were intolerable. Thousands of Irish and other British emigrants died during the voyage to Canada, and at Grosse Island, near Quebec, where the Canadian quarantine station was located, as many as 7,000 emigrants perished from ship fever and cholera in 1847 alone.[a] The victims were buried on the island and a monument in their memory has been erected there by Canadian-Irish societies.

The following extract from a report of the board of health of Quebec, dated August 12, 1847, illustrates conditions at that port.[b]

The *Larch*, reported this morning from Sligo, sailed with 440 passengers, of whom 108 died on the passage and 150 were sick. The *Virginius* sailed with 496; 158 died on the passage, 186 were sick, and the remainder landed feeble and tottering; the captain, mates, and crew were all sick. The Black Hole of Calcutta was a mercy compared to the holds of these vessels.

UNITED STATES PASSENGER ACT OF 1848.

Of all the passenger laws enacted by the United States that of February 22, 1847, was by far the shortest lived, for on May 17, 1848, it was superseded by "An act to provide for the ventilation of passenger vessels, and for other purposes."[c] Humanitarian reasons, of course, dictated the terms of the new law, but there is no doubt that commercial interests had something to do with certain changes incorporated in it. For regulating the distribution of passengers, or rather the apportionment of them, two systems have already been under consideration. The first, provided in the law of 1819, graduated the number to be received by the tonnage of the vessel, and the second, specified in the law of 1847, provided for a certain allotment of superficial or square feet of deck space per passenger, but also limited the number of passengers according to the tonnage of the ship.

At the period under consideration American vessels were modeled quite differently from those of Europe generally and from those of Great Britain especially. American ships were built for speed and were sharper and narrower than those of Great Britain, which were constructed with a view to capacity rather than speed. It is said that this difference was due, at least in part, to the desire of British owners to avoid the tonnage duty, which was graduated according to measurements which did not involve the actual capacity for cargo, a vessel of a given registered tonnage being capable of receiving many more tons of cargo than the register would indicate. Hence, under the methods of apportionment of steerage passengers above mentioned, the capacious vessels of the British marine enjoyed a considerable advantage over the slender-built American ships. To overcome this inequality the tonnage check was dropped by the United States law of 1848 and a new standard adopted, which allowed to each passenger above the age of 1 year 14 superficial feet of deck when the height between decks was not less than 6 feet; 16 feet when less than 6 but more than 5; and 22 feet when less than 5 feet in height. Abolishing the tonnage check led to the erection of extra

[a] The St. Lawrence River, by George Waldo Browne.

[b] Sickness and Mortality on Board Emigrant Ships. (Rep. Com. 386, 33d Cong., 1st sess., p. 49.)

[c] Appendix A, p. 395.

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cabins and compartments, by which vessels were enabled to carry a much larger number of passengers than under the old law. This occurred where ships of a particular construction measuring less than 1,200 tons were permitted to take on board more than 800 passengers, or nearly double the number possible under the older act. While ships were thus permitted to increase their passenger list, the space on the main deck was encroached upon to such an extent that frequently not one-fourth of the passengers could be on the upper deck without being in the way of the crew, the others, of course, being compelled to remain in the foul atmosphere below.

The United States, by the enactment of the law of 1848, for the first time required all passenger-carrying vessels arriving at or leaving American ports to have on board at the last port of departure the prescribed amount and kind of food. By providing for a cooking range for the use of steerage passengers, and by authorizing the captain to enforce discipline and cleanliness, an attempt was made to correct abuses which had been only too common aboard ship. Every vessel carrying fifty or more steerage passengers was to provide a cooking range for their use, and the range was to be built in proportion to the number carried. To protect emigrants against themselves the masters were authorized to adopt and enforce regulations for maintaining discipline and habits of cleanliness among them. The apartments occupied by such passengers were to be so constructed as to be easily cleaned, and one water-closet was to be provided for the exclusive use of every 100 emigrant passengers.

The law of 1848 was effective till 1855, when it was replaced by the passenger act of that year. There were many desirable features in the law of 1848, as, for that matter, there had been in its predecessors, but judging from the agitation and discussion of the subject which preceded the legislation of 1855 it may well be questioned whether the conditions surrounding the transportation of emigrant passengers had been materially improved by any of these laws.

That the legislation did not actually secure the "measure of comfort and convenience" so earnestly sought in 1819, 1847, and 1848 is fully attested by the incontrovertible criticism of existing passenger laws by the Senate select committee appointed in 1853 "to consider the causes and the extent of the sickness and mortality prevailing on board emigrant ships on the voyage to this country." In part, the report of the committee says: [b]

> According to the information laid before the committee the three diseases by which passenger ships have been chiefly scourged are typhus, or ship fever as it is called when it takes place at sea, cholera, and smallpox.

The report then goes on to show how the first-named disease could easily be prevented, and enumerates the causes and conditions under which the disease continued to scourge emigrant vessels. These were:

> (1) The confinement of numbers of people together in apartments disproportioned in size to their requirements of wholesome respiration; (2) the retention in the same apartment of the excretions from the bodies of the individuals thus confined, such as the matter of perspiration, the carbonic acid gas and moisture from the breath, and other more offensive excretions. These, acted on by the artificial heat of the apartment, or even by the natural heat of the bodies alone, will become decomposed

[b] Sickness and Mortality on Board Emigrant Ships. (Rep. Com. 386, 33d Congress, 1st sess., p. 4.)

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and produce an effluvium which will react poisonously on the persons living in it; (3) too great exclusion of pure air.

John H. Griscom, M. D., whose knowledge of the conditions prevailing aboard emigrant ships arriving at New York entitled him to speak authoritatively, in answer to a letter of the Senate committee, said:

To a deficient quantity and quality of food is attributable a great proportion of the sickness and other evils of the steerage.

In pointing out what in his opinion were necessary modifications of the law, Doctor Griscom further declared:

This section [Sec. III, law of 1848, which provided for a cooking range for the use of every 200 passengers], in not requiring cooks for the passengers, is inferior to the English law, which does require them. It is more important, for obvious reasons, that the United States law should require them, and also that the cooking be done for the passengers, and not by them. Fuel for cooking is required to be distributed to the passengers weekly, which presupposes the cooking shall be done by the passengers, each for himself—a thing manifestly impracticable for from 200 to 900 to do at one fire, and improper if it were practicable.

Speaking on the question of ventilation, Doctor Griscom said:

Passengers are permitted to be carried in an apartment which may be less than 5 feet in height, which is less than the average height of adult human beings. I do not know whether any vessel with steerage of that dimension only has ever been engaged in the transportation of voluntary passengers, but certainly the country is disgraced by such a permission in its laws. * * * The tendency to disease increases rapidly as the space is diminished; and the increased number of superficial feet required for each passenger is by no means a compensation for the diminished altitude, and for this reason: The emanations from the bodies and lungs at first necessarily ascend to the uppermost portion of the space occupied, and, when the ceiling is far above the heads, will pass out of reach of inhalation; but the nearer the ceiling to the head the greater the danger of these effete matters being inspired and absorbed into the system. In a crowded room, whose ceiling is even as much as 2 or 3 feet above the head, the stratum of foul air will soon reach so low as to be inhaled. When the ceiling is but 7 feet, a few inches above the head, a few minutes will suffice to bring the foul air within reach of the lungs; if it be but 6 feet the heads of the people of ordinary height must be immediately immersed in their own foul gases. But at 5 feet, men, women, and children must inevitably and continually be steeped, head and shoulders, in a rapidly accumulating mass of corruption, which no ventilation can remove, and the horrors of which can be surpassed by nothing in history but those of the middle passage of slave ships. It were as impossible to maintain human health in such a concentration of foul gases as must necessarily arise there, even with double the number of superficial feet allowed to each passenger, as in the *Grotto del Cane*, while the introduction of a case of contagious or infectious disease would light a flame which could be extinguished only by a complete evacuation of the place. The possibility of such a hold being used for the stowage of passengers should be at once forever and totally prohibited. * * * In connection with this branch of the subject, another point claims serious attention. In many of the larger ships, which have 3 decks, there are 2 steerages, one below the other. Now, all the evils which have been considered in this communication, in connection with emigrant vessels, are incidental to the uppermost apartment, which is directly beneath the main deck, more readily accessible to the air and light through the hatches and side lights, which latter in fair weather are always open, making it a comparatively cheerful place. Its proximity to the upper deck also renders the latter much less difficult of access, and consequently the passengers may more easily and frequently be induced to visit the open air.

But in the lower steerage the evils of the upper one are doubled in intensity. In consequence of its depth, its only light is from the hatches, which is mostly diffused into the upper apartment before it reaches below. The same openings which supply air to the upper, and which are inadequate for its full measure, are also depended upon for the supply of air to the lower steerage, and, as in the case of the light, the upper receives nearly all the benefit, small as it is. In fact, every sanitary arrangement which may be put in force on board the ship is deprived of half its efficacy in the lower steerage as compared with the upper.

In the broad sunlight, with the hatches all open and the vessel lying quietly at the wharf, on a recent visit to several of these three-deckers which had arrived with large

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consignments of emigrants the dirt and muck on which we trod could be felt, but not seen. At sea, when lights are not permitted below, and there are many causes to intercept the few rays of daylight which struggle to descend, the condition of things can not be seen and cleaning is impossible. Almost perpetual night reigns in these subaqueous abodes. * * * When, therefore, we consider the impracticability of preserving cleanliness and purity at such a depth from the surface, it becomes a serious question whether the second hold should not be prohibited as a receptacle for passengers.

A fact which seems to have escaped the notice of Doctor Griscom, but which is noted in a letter to the committee from a company owning passenger vessels, involved a still more serious obstacle to the proper ventilation of the between decks. The largest vessels then used ordinarily had 4 decks: (1) The upper deck (flush spar deck), removable, of strong latticework; (2) the usual deck (main deck), required to be calked water-tight; (3) the lower deck (between deck), usual with most vessels, seldom calked and generally removable; (4) the lowest deck, second lower or orlop deck (second between deck), much resembling deck three. Messrs. Meyer and Stucken, the ship-owners referred to, said:

The deck No. 1 is needed where so many passengers are carried [the result apparently of the operations of the law of 1848] to enable the crew to have room to work the vessel; it affords shelter to deck 2, or regular deck, and leaves that sufficiently ventilated without any other preparation, but it more or less hinders bad air escaping lower decks.

* * * We further attribute the greater mortality to want of proper food and nourishment. Passengers providing themselves get cheated in every way—quantity, quality, and price.

If, however, emigrant traffic enjoyed immunity from disaster for any extended period between 1820 and 1855, undoubtedly it was due in a large measure to steady improvements in the size and model of ships engaged in the business of transporting passengers, and also, to an important extent, to the years characterized by only a normal increase in emigration, when the numbers seeking passage were not so great as to tax the capacity of such vessels unduly. Judged, then, from actual results attained, as shown by conditions existing when the Senate select committee's investigation was made, it may be fairly concluded that none of these laws was successful in securing for the individual passenger "a security of comfort and convenience." It appears that under one and all of them the evils of overcrowding continued to be not the exception but the rule. The first, the law of 1819, and the second, the law of 1847, overlooked the great mass of emigrants needing protection against undervictualing. The third, the law of 1848, by including a proviso whereby passengers were permitted to commute their rations, destroyed the effect intended to be produced by the first clause of the same section, thereby leaving the individual liable to the privations which actually prevailed on many ships under the first and second laws.

Throughout this entire period the sailing vessel was absolute in emigrant traffic. Steam navigation, although the subject of numerous experiments on the Atlantic after 1819, did not establish itself as a serious rival of the sailing vessel in any branch of the ocean-carrying trade until 1840. In that year the first of the great trans-Atlantic steamship companies inaugurated a service between Liverpool and Boston, taking, with one or two others soon afterwards established, the choicest of the freight and passenger trade away from the sailing vessels, and leaving to the latter the transportation of the less desirable cargoes and the carriage of emigrants.

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BRITISH PASSENGER LAWS (1848–1855).

During the period from 1848 to 1855 Great Britain enacted several important laws affecting steerage passengers. In 1849 the provisions of the British acts of 1842, 1847, and 1848 were consolidated and amended. The additional regulations ordered that an adequate ventilating apparatus should be put on board all ships carrying 100 or more passengers, and that adult passengers of different sexes, unless husband and wife, should be separately berthed; a lifeboat and two life buoys were to be provided, and the following dietary scale was prescribed: Three quarts of water daily; and 2½ pounds bread or biscuit (equal in quality to navy bread), 1 pound wheat flour, 5 pounds oatmeal, 2 pounds rice, 2 ounces tea, one-half pound sugar, and one-half pound molasses weekly, to be issued in advance, and not less often than twice a week. Certain substitutions in the matter of food were allowed in ships sailing from Irish or Scotch ports, and the emigration commissioners were allowed to vary the diet under the direction of the secretary of state.

By an act passed in 1851 the British law of 1849 was so amended as to enable the emigration commissioners to fix a different length of voyage for steam and sailing vessels, and to allow the use of an alternative diet scale in all passenger vessels. Vessels putting back into any port in a damaged state were prohibited from putting to sea again until effectually repaired. Bond was required to be given by masters of foreign ships carrying passengers to the British possessions abroad that they would submit themselves to the jurisdiction of the colonial courts in the same manner as if they were British subjects.

By an act passed in June, 1852, the two previous acts were repealed, but their provisions were reenacted in an amended form. The following were the main differences introduced in the new law: It provided that "passenger ships" putting to sea without obtaining a clearing certificate from the emigration officer should be forfeited; it required the survey of a ship by two surveyors instead of only one; it required that single men should be berthed in a separate compartment in the fore part of the vessel; it provided for hospitals and privies; it added horses, cattle, and lucifer matches to the articles expressly prohibited as cargo; it increased the length of the voyage for ships sailing for North America from seventy to eighty days; it empowered the emigration officers to reject bad provisions; it required the provisions to be issued in a cooked state, and daily instead of twice a week, at the same time allowing a greater variety of articles to be substituted for oatmeal, rice, and potatoes; it provided for the appointment of stewards and interpreters when required, and for the medical inspection of crew and passengers; it required masters of ships which put back for the purpose of repairing damages to maintain the passengers or pay them subsistence money until the ship was ready for sea, or else provide them with passage in some other ship. Emigrant runners were for the first time brought under legal control.

In the agitation, investigation, and discussion leading up to and culminating in the United States legislation of 1855, the lack of uniformity in the laws of the various countries was given considerable attention, and effort was made to harmonize important points of

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difference. In its report to the Senate the select committee previously referred to called attention to the difficulty of enacting laws that would not conflict with the regulations of foreign countries. Upon this subject the report said:[a]

It is, of course, the intention of every lawmaker that the laws passed by him shall be enforced; and to place enactments on the statute book which can not be carried into effect, without subjecting those who are governed by them to difficulty and annoyance from foreign countries, is worse than useless. That such a state of things at present [1854] exists under the passenger laws now in force has been proved by experience; and those engaged in the transportation of passengers do not hesitate to say that the laws under which they are acting are in many respects impracticable, unless at great expense and loss to the American shipowner. It is only necessary to allude to one case of the kind by way of illustration. The acts of Congress require that every passenger ship shall be furnished with provisions of a certain description to a given amount. An American ship goes to Bremen or Hamburg and there takes on board a cargo of passengers. The laws of those cities require that all passenger ships sailing from them with passengers shall be supplied with a prescribed amount of certain provisions, which are specified. Now, in order to comply with the regulation of the port whence he sails for America, the American captain must provide a supply of the articles required by the local law, and, at the same time, to comply with the law of his own country, he must be provided with the food called for by the act of Congress.

Some idea of the difficulty of framing laws that would be beneficial to the emigrant without being in conflict with foreign laws regulating passenger-carrying vessels may be seen from the following table, which shows the food supply per passenger required to be carried in 1854 on ships sailing from various European ports, compared with the requirements under the United States law:

TABLE 1.—*Food supply per passenger required on ships bound to United States ports from the ports indicated, 1854.*

[From "Sickness and Mortality on Board Emigrant Ships." (Rep. Com. No. 386, 33d Cong., 1st sess., p. 91.)]

[Weights reduced to pounds, Bremen weight.]

Articles.	United States.	Bremen.	Hamburg.	Havre.	Antwerp.	Rotterdam.	London.
Meat.....pounds..	.....	32½	31⅜	[b] 14	[b] 7½	.....	.....
Salt pork.....do....	9	13	12½	.....	.....	10	.....
Bread.....do....	13½	65	62	40	45	15	22½
Butter.....do....	.....	4½	4⅜	4	6	4	.....
Flour, peas and beans, rice, vegetables.....pounds..	36	35	44	5	40	40	72
A further supply of the same articles, in case a corresponding quantity of potatoes may not be had at reasonable prices.....pounds..	6½	10	11	40	20	26	.....
Molasses.....do....	.....	1½	1½	.....	.....	.....	4½
Coffee and tea.....do....	.....	3	2	.....	.....	.....	1½
Sago, wine, sugar, salt, medicines.....pounds..	.....	[c]	[c]	[d] 2	[d] 2	[d] 2	[e] 4½
Water.....gallons..	60	67	60	.....	.....	.....	60
Vinegar.....	[f] 1	[g] 2	[g] 2	[g] 1½	[g] 1½	[g] 2	.....
Solid food.....pounds..	64½	155½	161 1/16	131⅓	105½	90½	122½

[a] Sickness and Mortality on Board Emigrant Ships. (Rep. Com. 386, 33d Congress, 1st sess., p. 18.)
[b] Ham.
[c] Sufficient.
[d] Salt.
[e] Sugar.
[f] Pint.
[g] Quarts.

Bremen: Children above 1 year of age count as 1 adult.
Hamburg: Children under eight, 2 to count as 1 adult.
Havre: Children under 5 not counted.
Antwerp: Children under 8, 2 as 1 adult; under 12, 4 equal to 3 adults.
Rotterdam: Children between 8 and 12, 3 equal to 2 adults.
London: Children under 14, 2 equal to 1 adult.

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Chapter II.

TRANSITION FROM SAIL TO STEAM, 1856 TO 1872.

Unlike the earlier laws regulating passenger traffic, which were hurriedly enacted, the act of 1855 was preceded by a careful investigation into emigration and steerage conditions. On December 7, 1853, the Senate passed an order directing the appointment of a select committee of that body "to consider the causes and the extent of the sickness and mortality prevailing on board the emigrant ships on the voyage to this country, and whether any, and what, legislation is needed for the better protection of the health and lives of passengers on board such vessels."

INVESTIGATIONS OF THE SENATE SELECT COMMITTEE.

Hon. Hamilton Fish was chairman of the select committee appointed in pursuance of the Senate's order. In carrying on the investigation the committee issued a circular letter containing a series of questions pertinent to the subject. This letter, which was sent to numbers of the medical profession, shipowners and navigators, customs officials, heads of benevolent societies, and others interested in the subject under consideration, was as follows:[a]

SENATE CHAMBER,
Washington, December 29, 1853.

SIR: A select committee, appointed by the Senate of the United States, to inquire into the causes and the extent of the sickness and mortality prevailing on board the emigrant ships have instructed me to obtain the opinion of gentlemen of experience and of professional knowledge, both with reference to any deficiency in the provisions of the existing statutes, and the propriety of further legislation.

In conformity with their direction, I take leave to ask your opinion as to the adequacy of the existing laws with respect to—

I. The space allotted to each passenger.

II. The quantity and the quality of the provisions required for each passenger.

III. The permission allowed to the passengers to furnish their own provisions for the voyage, instead of making it, in all cases, the duty of the master to provide them.

IV. Ventilation.

V. The cooking arrangements.

VI. The duty of the master to enforce personal cleanliness and to insure the cleanliness of the vessel.

The committee further request your opinion as to the propriety of amending the existing laws by requiring—

VII. The employment of a qualified and experienced surgeon.

VIII. The employment of a reasonable number of attendants to minister to the sick, and to enforce the observance of cleanliness, both of the persons of the passengers and of the vessel.

IX. The separation of the sexes, and the prevention of unnecessary intercourse between the crew and the passengers.

X. A thorough process of disinfecting every vessel on board of which disease has once made its appearance.

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[a] Sickness and Mortality on Board Emigrant Ships. (Rept. Com. No. 386, 33d Cong., 1st sess., p. 31.)

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XI. A report, to be made by every vessel bringing emigrant passengers, of the length of voyage, number of passengers, number of deaths, etc., to be published and to be returned to the State Department.

XII. In case deaths have occurred during the voyage, an inquest to be held under the supervision of federal officers, and the verdict to be published and returned as above.

XIII. A limitation to the number of passengers allowed in any vessel, in proportion to the tonnage of the vessel.

XIV. A distinction with respect to the number of passengers between vessels passing within the Tropics and those not so passing.

The committee will also be happy to receive from you any statements of facts within your knowledge tending to exhibit the extent or the causes of the sickness and mortality which have prevailed or the insufficiency of the provisions of the existing laws, as well as any suggestions which you may think proper to make in connection therewith or with regard to the proper remedy to be applied.

An early reply, with answers to any or all of the points above suggested, will be esteemed a favor.

Very respectfully, HAMILTON FISH, *Chairman.*

It is unnecessary to reproduce in detail the various replies to the select committee's circular letter. It may be said, however, that generally they emphatically condemned existing conditions on emigrant ships relative to air space, ventilation, food provisions, treatment of the sick, and the attitude of members of the ships' crews toward steerage passengers. A summary of certain of the recommendations made by persons addressed by the committee is interesting for purposes of comparison with the recommendations of the select committee and the legislation which actually followed the investigation. The correspondents generally recommended an increase in the air space for each passenger, although some contended that the space required by the law then in force was sufficient. Some advocated the substitution of cubic air space for the superficial-area system, and there were various opinions with regard to the value of the methods under which the number of passengers was apportioned according to the ship's tonnage. One advocated from 20 to 30 superficial feet for each passenger, according to the location of the deck; others suggested that the height between decks should be considered in allotting space, and that a certain amount of open deck room should be provided for each passenger. The most radical recommendation relative to air space was that of John H. Griscom, M. D., of New York, who said that in his opinion not less than 250 or 300 cubic feet should be given to each passenger. One correspondent expressed the opinion that a ship with a single steerage should never carry more than 500 passengers, and that ships of two steerages should not be allowed to carry more than 200 in the lower and 400 in the upper steerage. It was also recommended that on ships of three decks the use of the orlop deck for passengers be prohibited.

Concerning the opinions of correspondents relative to space, the select committee's report says in part:

The opinions furnished to the committee in regard to space are in a high degree conflicting, some of them being in favor of the sufficiency of the provisions contained in the present laws, while others pronounce them to be totally inadequate. This antagonism of opinion may, in part at least, be accounted for by the fact that the interests of those from whom they emanate are opposed. Generally speaking, the parties to be accommodated and their friends deem the present provisions insufficient, while those who are required to incur the expenses of a change, with a few exceptions, think differently.

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The correspondents were practically unanimous in recommending that masters be required to supply cooked food to steerage passengers. The Bremen law of the period required this, but, as a rule, the old system under which passengers supplied and cooked their own food prevailed on ships sailing from other ports.

There was a difference of opinion relative to ventilation. One advised that more and larger ventilating tubes be required, but a majority of the opinions published in the committee's report were to the effect that the ventilation of ships would be adequate if there were less crowding of steerage quarters.

As regards cleanliness, one correspondent suggested a bath and clean linen for each passenger before embarkation, and there appears to have been a general agreement that ships' captains should be empowered by law to enforce cleanliness on the part of passengers. Upon this subject one correspondent said:

> The great cause, therefore, of the filthy, beastly, degrading condition of passengers and their berths is the want of adequate power in the master to establish a competent police.

Two ship captains in a joint report said:

> At present we have no legal power whatever to enforce sanitary regulations. Power should be given to commanders of ships to enforce obedience to necessary regulations for daily cleanliness. We think this could be the most easily accomplished by giving them power to stop the supplies of provisions and water to such persons who refused to comply with such regulations.

Opinions varied regarding the proposed requirement that surgeons and attendants to administer to the sick be employed on emigrant ships. One correspondent stated that a qualified and experienced surgeon was too costly a luxury, and recommended as an alternative that a steerage steward and a steerage stewardess be required for every 25 passengers on board. In general, however, the sentiment was that all ships should carry a surgeon, especially if any considerable number of passengers was carried. It was also recommended that a small apartment be set aside for hospital purposes on ships carrying more than 100 passengers. One correspondent advocated a female nurse for each 100 passengers because of complaint against the brutal language of the crew toward the sick.

Samuel Cartwright, M. D., New Orleans, in his reply to the letter of the committee, made some interesting observations on the proposition of having surgeons and hospitals on board emigrant ships. He said:

> God has made the ocean healthy, and if it prove otherwise it is in consequence of man's tyranny, ignorance, or avarice pursuing the emigrants on their passage hither, requiring the interposition of republican legislation to correct the evil. * * * Ship fever can be banished from the ocean by the same means that jail fever and the whole host of surgical diseases were cast out of the United States of America. No art was a match for the pestilence generated in the dark, dank, crowded cells of filthy, unventilated jails, the inmates eating unwholesome food, drinking impure water, and rebreathing the foul emanations of their own bodies. No art can cope with a similar pestilence, generated from similar causes, on shipboard. * * * In striking down the artificial causes of ship fever the physicians * * * can render important aid to the shipbuilder, the masters, and owners of vessels and to the governing authorities, * * *. They can demonstrate that man requires a certain amount of oxygen, and if he does not get it he sickens and dies in the presence of the ablest physicians of the land; that there is no medium of sufficient virtue to enable man to do without wholesome food, drink, and fresh air. * * * The medical profession will not assent to any measures creating the necessity for hospitals by depriv-

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ing seamen on shipboard of the space necessary for healthy existence to make room for gaudy saloons. Nor ought it to consent to be made the scapegoat for the sins of avaricious shipmasters and emigration companies by sending surgeons on board their overcrowded ships to bear all the blame of that excessive mortality produced by want of proper food, good water, and fresh air, which no skill in medicine and surgery can prevent and no power but that of Congress can remove.

Several correspondents urged a separation of the sexes in the steerage, the following arrangement in that regard being suggested: Married persons and their children; unmarried males; unmarried females. A strict prevention of unnecessary intercourse between the crew and passengers was also recommended. The committee agreed as to the propriety of separating the passengers according to sex, but expressed doubt as to the practicability of enforcing such a regulation by specific legislation. In this regard the committee said:

The entire separation proposed can only be effected, as the committee think, by the construction of permanent partitions, which shall divide from each other the apartments allotted to the sexes, respectively, and the establishment of separate entrances to these apartments. Now, it is acknowledged on all hands that proper ventilation is indispensable to the well-being and health of persons crowded together, as these people are on board of these ships. In order to ventilate these vessels properly throughout the steerage with the means now used, it is necessary that the current of fresh air shall be made to pass from one end of the ship to the other. The permanent partitions intended to divide the apartments of the different sexes must, of necessity, be constructed transversely and can not fail to prevent the passage of air above alluded to, a difficulty which, so far as the committee are aware, can only be obviated by the erection of slat partitions, which would impair the privacy which is so much desired at the same time that it would interpose some obstruction to the free current of air through the steerage. * * * The committee are, however, happy to believe that the subject is in a great degree within the power of control by the master of the ship, and that an assignment of berths in different parts of the vessel can be made, separated so as not to interfere with a sufficient ventilation, but protected against intrusion by a well-considered and well-enforced system of police on board ship. The details of such separation and of such system of police can not be prescribed by legislation, but must be left for the present to the captain or master of the ship, on whom devolves a weight of moral responsibility in case of neglect far greater than the responsibility arising from the property intrusted to his charge.

Other suggestions and recommendations were made by the committee's correspondents as follows: That for every passenger dying a certain sum should be paid to that institution at the port of arrival which takes charge of sick and destitute emigrants; that captains should be required to make out a separate and correct manifest of passengers dying during the voyage, stating the name, age, last place of residence, date of death, and disease; that passenger vessels should be prohibited from carrying gunpowder, vitriol, green hides, or any other articles liable to endanger the health or lives of the passengers; and that a tribunal be authorized with power to try to settle complaints of emigrants without delay.

RECOMMENDATIONS OF THE SENATE SELECT COMMITTEE.

The select committee made several recommendations relative to legislation governing the carriage of steerage passengers at sea, the substance of which were as follows: That a space should be reserved on the upper deck and kept clear for the enjoyment of air and exercise by the passengers; that the limitations which existed until the year 1848 of two passengers to every 5 tons register should be reenacted, but without diminishing the space allowed under the law of 1848 to each passenger; that during the winter months the number of passen-

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gers should be limited to one for every 3 tons, as the inclemency of the weather and consequent necessity of keeping the hatches closed obstruct ventilation and prevent the passengers from taking their exercise in the open air; that the carriage of passengers on the orlop deck be prohibited; that an increase of the number of privies, and separate ones for the females, be required; that the provisions should be cooked, as well as furnished, by the ship; that the captain be given ample power to enforce discipline and cleanliness; that the ship be made responsible to the amount of the passage money in case of death during the voyage; that a more accurate return of the names and descriptions of passengers and of the deaths on shipboard be required.

The committee also presented a bill drawn with a view to carrying into effect the above recommendations. The report and bill were presented to Congress on August 2, 1854, and on March 3, 1855, a new passenger act was approved, which, with slight amendment, was the law under which the carriage of emigrants was regulated until the adoption of the passenger act of 1882.

UNITED STATES PASSENGER ACT OF 1855.

From the report of the select committee it was evident that the passenger laws enacted in 1819, 1847, and 1848 had failed to better materially the conditions under which emigrants were carried at sea, and Congress promptly made another attempt at reform in this regard by enacting the law of March 3, 1855.[a] Theoretically the law provided for increased air space, better ventilation and improved accommodations in the way of berths, cooking facilities, the serving of food, free open-deck space, etc. Although the evil of overcrowding, which had been attended with such disastrous results in former years, appears to have been especially aimed at by the makers of the law, the wording of the act was, unfortunately, such that the provisions relating to the number of passengers to be carried were inoperative, and there was practically no legal restraint in this regard, as far as the United States law was concerned, between 1855 and 1882. While there was some improvement in steerage conditions following the act of 1855, it was due to the gradual adoption of steamships in the emigrant trade, to competition between carriers and to the advanced laws of foreign countries rather than to United States legislation. There was a continued discussion of the subject in this country, however, and on March 11, 1873, the Senate adopted the following resolution:

Resolved, That the Secretary of the Treasury is hereby directed to inform the Senate, at its next session, how many superficial feet of clear space are allotted to each steerage immigrant on board ship, according to the official reports of the collectors of customs; also to cause the atmosphere of some of the steerage compartments to be chemically analyzed by a conpetent expert, with a view of ascertaining its healthfulness; and also to have an examination made of the general treatment of immigrants on board ship, and to suggest such alterations in existing laws as may be necessary to secure effectual protection to steerage immigrants.

In response to the above resolution the Secretary of the Treasury, Hon. William A. Richardson, on January 21, 1874, transmitted to the Senate a report upon the subject under consideration.[a]

[a] Appendix A, p. 395.
[b] Steerage Passengers on Emigrant Vessels. (Ex. Doc. 23, 43d Cong., 1st sess.)

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As regards the air-space provisions of the act of 1855, Mr. Thomas B. Sanders, one of the investigators employed by the Secretary of the Treasury in conducting the inquiry above referred to, says:

In drafting the act of 1855 it was deemed desirable to restore the provision that but one passenger to every 2 tons of the vessel's tonnage should be carried. This was not included in the act of 1847; but it was now determined to include it as an offense in the same form of description. The structure of that act is followed so far as to prohibit the taking on board an excess according to tonnage; and there the sentence ends, without reference to the intent or any further description of the offense.

The offense of excess of passengers in the spaces is then attempted to be described; but here the opposite error is committed; the taking on board of the excess of passengers is entirely omitted, the structure is changed at the beginning, and the sentence proceeds with a mere regulation of the spaces, until we suddenly come upon the clause with intent, etc., for which there is no antecedent whatever, as the connection with the taking on board an excess as to tonnage is cut off by the separation of the clauses in different sentences. It then goes on with a clause like that of the act of 1847, fully describing the offense of excess, both as to tonnage and space on outward-bound vessels. By reading down to the words "one passenger" and omitting all that relates to spaces connected therewith as though the whole were one sentence, the words "with intent to bring such passengers to the United States," the section becomes intelligible, and the evident intention of the lawmakers is easily discovered. The consequence of the gross carelessness which allowed such a slovenly arrangement of the clauses of the section is, that while the prohibition against taking on board an excess of passengers is the same whether a vessel arrives at or departs from the United States, no offense is described or penalty imposed for bringing an excess of passengers into the United States, though that was the object of all others of the section, and the most important provision of the whole statute. The penalty covers only cases where passengers are carried from the United States in excess of the numbers mentioned. A judicial decision to that effect has been rendered, and offenders have been repeatedly discharged on that ground until prosecutions under the section to punish for overcrowding vessels coming to the United States have ceased, being regarded as useless. The provisions of the section as it now stands are ridiculous.

During the period in which the law of 1855 was in force the sailing vessel almost entirely disappeared from the emigrant-carrying trade, and as that law was practically ineffective so far as steamships were concerned, the United States had little actual legal control over the carriage of steerage passengers at sea. The act of 1855 was entitled "An act to regulate the carriage of passengers in steamships and other vessels," but whether intentional or not it is a fact that steamships were subjected to practically no restriction at all. From an examination of the first nine sections of the law of 1855 it would seem that the restrictions imposed applied to all vessels carrying steerage passengers. Section 10 of that law, however, removed from steamships all restrictions except that relating to space by providing that "the provisions, requisitions, penalties, and liens of the act relating to the space in vessels appropriated to the use of passengers are extended and made applicable to all spaces appropriated to the use of steerage passengers in vessels propelled in whole or in part by steam." In the "Steamship Manhattan" case [a] Justice Blatchford, in effect, decided that the provisions of the act other than those specified in section 10 did not apply to steamships. This case was a libel filed by the United States against the steamship *Manhattan*, a foreign vessel owned in Great Britain. It was charged that the vessel in bringing passengers to the United States did not have the berths for such passengers constructed, arranged, and occupied as required by the second section of the act of 1855. The United States claimed that by violating the provisions of section 2 the master forfeited $5 for each passenger on board on the voyage, and that the

[a] Reports U. S. District Court, 2d Circuit, Vol. II, p. 88.

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owners of the vessel also forfeited $5 for each passenger on board on the voyage, and that an action had accrued to the United States to recover such penalties, and that a lien on the ship existed for the amount of them. In his decision Justice Blatchford said:

> It is well known that the mischiefs which Congress was endeavoring to correct when this law was enacted were those which had arisen in sailing vessels; but whether this were so or not, Congress has, by the statute, drawn a plain distinction in respect to steamships, and has made only certain specified and limited provisions, not including those of the second section, applicable to steamships. This libel can not be sustained without obliterating the tenth section from the act.

This decision was affirmed by the circuit court, Nelson, J., in October, 1868.

While the opinion above referred to concerned only the provisions of section 2, regulating the construction and arrangement of berths, it is clear from that part of the decision quoted that under the construction placed upon section 10 by Justice Blatchford the only restriction placed upon steamships by the law of 1855 was the provision of section 1 relative to space. Consequently, provisions of the law upon the following points were applicable to sailing vessels but not to steamships:

The apportionment of passengers to the tonnage of the vessel.
The dimensions and location of the berths.
The number of tiers of berths.
The number who could legally occupy berths.
The means of ventilation.
The regulations as to ventilation.
The conveniences for cooking.
The division of passengers into messes.
The serving of food.
The decks to be appropriated to steerage passengers.

As previously stated the provisions of section 1 of the act of 1855 relative to space for steerage passengers were so drawn as to render them inoperative, and prosecutions of offenders in this regard ceased. That the spirit of the law with regard to crowding was persistently violated is indicated by the following table showing the excess of passengers carried over the number allowed by law on ships arriving at New York in April, 1872, and June, 1873:

TABLE 2.—*Number of passengers carried in excess of number allowed by law, on ships arriving at New York, April, 1872, and June, 1873.*

[Compiled from Steerage Passengers on Emigrant Vessels. (Ex. Doc. No. 23, 43d Cong., 1st sess., pp. 55, 56.)]

Steamship.	April, 1872.		Steamship.	June, 1873.	
	Number carried.	Excess.		Number carried.	Excess.
Italy	1,030	105	Deutschland	574	125
Columbia	491½	104	City of Paris	1,217	256
Cuba	332½	7½	Celtic	796½	21½
Franklin	623	68½	City of New York	1,042	125
City of Baltimore	943½	275	Saxonia	1,089½	423½
Batavia	823½	124½	Westphalia	675	157½
Europa	498	84	Australia	509	42
City of London	1,092½	233	City of Baltimore	915½	247½
Minnesota	1,111	97	Oceanic	894½	24½
Atlantic	919½	49½	City of Montreal	1,274	163
New York	751	154	Thuringia	694½	156½
City of Washington	886½	24½	City of Bristol	1,015½	243½
Smidt	684	51	Adriatic	788	27
Leipzig	676½	60	City of Antwerp	960½	180½
City of Bristol	999	227	Peter Jansen	273	93
Bremen	749	150	Franklin	686½	132
Abyssinia	836	104	Baltic	888	113
City of Paris	1,176	215			
City of Antwerp	958½	178½			

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Notwithstanding the failure of the United States law to regulate the carriage of passengers on steamships, steerage conditions on such ships were immeasurably better than on sailing vessels. In the absence of control by the United States, competition and the laws of foreign nations were forces which made for better conditions, but the introduction of steam was the fundamental cause of the passing of the steerage accommodations which, in earlier days, were a disgrace to civilization.

In the report of the Secretary of the Treasury to the Senate,[a] previously quoted, interesting comparisons are made between conditions on sailing vessels and those on steamships, at a time when sailing vessels had almost ceased to be a factor in ocean passenger traffic. The following table compiled from the report referred to shows the relative mortality in the two classes of ships in 1867 and 1872:

TABLE 3.—*Passengers carried and relative mortality on sailing vessels and on steamships arriving at the port of New York during the six months ending December 31, 1867, and the six months ending December 31, 1872.*

[Compiled from table, p. 46, Ex. Doc. No. 23, 43d Cong., 1st sess.]

Character of vessel.	Number of voyages.	Average length of voyage, days.	Total passengers.	Total deaths on voyage.	Number of passengers to 1 death.	Number of deaths on sailing vessels to 1 on steamships, same number of passengers, same number of days at sea.
1867.						
Steam	222	13.84	97,703	100	977	1
Sail	128	44.24	22,090	259	93	3.46
1872.						
Steam	295	13.19	138,337	63	2,195	1
Sail	41	44.18	6,456	35	184	3.52

AMENDMENT OF 1860.

In 1860 Congress amended the act of 1855 with a view to the better protection of female passengers.[b] This amendment provided that any seaman or other person employed on a ship of the United States, guilty of seducing or having illicit connection with any female passenger during a voyage, should be imprisoned for not more than twelve months, or fined not more than $1,000. It was further provided that officers, seamen, or other persons employed on any vessel bringing emigrant passengers to the United States, should be prohibited from visiting parts of the vessel assigned to emigrant passengers, except by the direction or with the permission of the commanding officers. Commanders directing or permitting such officers, seamen, and other persons to visit parts of the ship assigned to emigrants, except in the performance of duty, were to be deemed guilty of a misdemeanor and subjected to a fine of $50 for each offense.

[a] Steerage Passengers on Emigrant Vessels. (Ex. Doc. No. 23, 43d Cong., 1st sess.)
[b] Appendix A, p. 395.

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TRANSITION FROM SAIL TO STEAM.

The period from 1855 to 1872 was marked by two important changes in the emigrant carrying trade—the almost complete substitution of steamships for sailing vessels, and the practical elimination of American ships from the business.

Writers on the history of sail and steam navigation agree that steamships played no part prior to 1850 in the transportation of other than cabin passengers. In that year the Inman Line of steamships, only recently established, began to compete with sailing vessels by providing third-class, or steerage, accommodation.[a] The effect of this competition for the next ten years was very slight, clippers and packet ships continuing to carry the bulk of emigrants. In 1853 the Inman Line was advertising accommodations for only a limited number of steerage passengers, while other steamship companies did not offer any until several years later. The Hamburg-American Line, organized in 1846, traded for nine years with sailing vessels, their first steamers being added to the fleet in 1856. The North German Lloyd was formed by a consolidation of all steamship lines—local and otherwise—in Bremen, and in 1859 began a steam service to New York, which eight years later became weekly. Up to 1862, the Cunard Line, which had been in operation for twenty-two years, did not carry steerage passengers.[b]

Once established in the emigrant carrying trade steamships quickly monopolized the greater part of the business. This fact is illustrated by the following table and chart, which show the number of immigrants landed at Castle Garden, New York, from sailing vessels and steamships in the years 1856 to 1873 inclusive:

TABLE 4.—*Passengers landed at Castle Garden, New York, from sailing vessels and steamships, 1856 to 1873 inclusive.*

Year.	Total passengers.	Number carried on—		Per cent carried on—	
		Sailing vessels.	Steamships.	Sailing vessels.	Steamships.
1856	141,570	136,459	5,111	96.4	3.6
1857	184,886	164,650	20,236	89.1	10.9
1858	84,226	67,837	13,389	80.5	19.5
1859	85,602	61,384	24,218	80.5	23.3
1860	108,682	74,435	34,247	68.5	31.5
1861	68,311	47,201	21,110	69.1	30.9
1862	81,458	55,615	25,843	68.3	31.7
1863	161,648	97,717	63,931	60.5	39.5
1864	184,700	102,906	81,794	55.7	44.3
1865	200,031	83,452	116,579	41.7	58.3
1866	236,651	75,998	160,653	32.1	67.9
1867	245,491	48,479	197,012	19.7	80.3
1868	216,623	31,682	184,941	14.6	85.4
1869	257,188	28,268	228,920	11.0	89.0
1870	213,554	18,413	195,141	8.6	91.4
1871	228,962	14,564	214,398	6.4	93.6
1872	293,256	18,367	274,889	6.3	93.7
1873	268,288	8,715	259,573	3.2	96.8
Total	3,261,127	1,136,142	2,124,985	34.8	65.2

[a] Our Ocean Railways, A. Fraser Macdonald; The Ocean Carrier, Joseph R. Smith.
[b] American Navigation, Henry Hall; History of American Shipping, William Schaw Lindsay.

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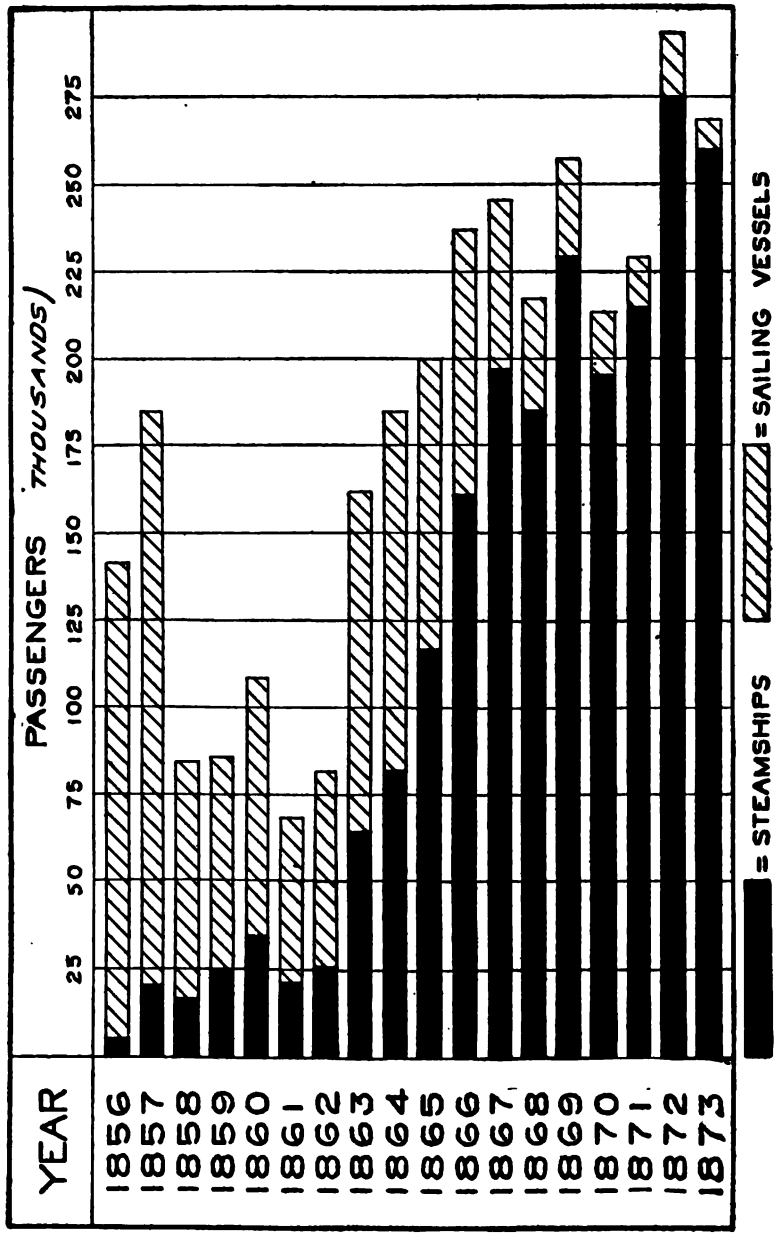
Passengers landed at Castle Garden, New York, from sailing vessels and steamships, 1856 to 1873 inclusive.



No consistent data are available to show the relative number of passengers carried on sailing vessels and steamships after 1873, but it was not long until steamships had a complete monopoly of the business.

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Meanwhile the second change referred to was going on rapidly. American vessels had for many years carried more steerage passengers than had those of any other nation. There is reason to believe that there were periods when more were carried to United States ports by American vessels than by those of all other maritime nations combined. From the beginning of January to the end of June, 1847, for example, the amount of tonnage employed in the carriage of emigrants from Europe to the United States was about 421,750, two-thirds of which was under the American flag.[a]

With the introduction of steam, England quickly took and held first place in the transportation of the mails, cabin passengers, and the more valuable freight. Her position assumed the character of a monopoly, which was successfully assailed by American enterprise for a brief time only. The competition with sailing vessels for a share of emigrant traffic began in 1850, and it found a clear field for foreign enterprise. During the period of transition from sailing vessels to steamships several unsuccessful attempts were made to establish transatlantic steamship lines under the American flag, but, as is well known, they failed in competition with the lines of other nations. The part played by American steamships in emigrant transportation from 1856 to 1870, inclusive, in comparison with the ships of other nations, is shown by the following table, compiled from annual reports of the commissioners of immigration for the State of New York. This table shows the number of voyages made by steamships sailing under the American and other flags which landed passengers at Castle Garden in the years specified.

TABLE 5.—*Number of voyages by United States and other steamships landing passengers at Castle Garden, New York, 1856 to 1870 inclusive.*

Year.	Number of voyages by steamships carrying the flag of—								
	United States.	Great Britain.	Bremen.	Hamburg.	Belgium.	France.	North German Confederation.	Total United States.	Total all others.
1856	.....	12	.....	7	2	1	.....	.....	22
1857	3	48	1	10	7	.....	.....	3	66
1858	14	47	6	17	.....	.....	.....	14	70
1859	13	58	15	19	.....	.....	.....	13	92
1860	6	72	10	21	.....	.....	.....	6	103
1861	.....	60	12	22	1	.....	.....	.....	95
1862	.....	57	16	20	1	.....	.....	.....	94
1863	.....	122	21	27	.....	.....	.....	.....	170
1864	.....	156	22	24	.....	1	.....	.....	203
1865	1	166	24	29	.....	.....	.....	1	219
1866	13	250	35	39	.....	4	.....	13	328
1867	28	283	49	42	.....	2	.....	28	376
1868	8	260	56	52	.....	2	.....	8	370
1869	[b]111	309	69	59	.....	25	.....	[b]111	462
1870	5	331	.....	.....	.....	.....	[c]95	5	426
Total	202	2,231	336	388	11	35	95	202	3,096

[a] Sickness and Mortality on Board Emigrant Ships. (Rep. Com. No. 386, 33d Cong., 1st sess., p. 47.)
[b] Includes steamers from Aspinwall, Havana, Rio de Janeiro.
[c] Including Bremen and Hamburg.

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In 1880 the United States had fewer than 15 steamers crossing the Atlantic and Pacific, while foreign nations had 200 in their trade with the United States alone.[a] So, soon after the disappearance of the sailing vessels from emigrant traffic, came the transfer of the vast bulk of ocean trade, including the mails, freight, cabin passengers, and emigrants, to vessels carrying foreign flags.

[a] History of N. A. Steam Navigation, Henry Frye.

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Chapter III.

PERIOD OF THE STEAMSHIP, 1873 TO 1908.

From the preceding chapter it will be seen that when the steamship had forced the sailing vessel from the emigrant-carrying trade the United States had few ships carrying emigrants, and practically no effective law regulating the carriage of steerage passengers at sea. This condition prevailed in 1873, when an investigation of steerage conditions was made under the direction of the Secretary of the Treasury. In the report which resulted from that investigation[a] a general revision of the passenger laws was urged, but Congress did not enact further legislation upon the subject until 1882, when "An act to regulate the carriage of passengers at sea" [b] was adopted.

When this act was under consideration, Congress was confronted with a condition entirely different from that which had prevailed when the earlier passenger laws were enacted. The sailing vessel was no longer a factor to be reckoned with, and the reduction in the length of time required for the voyage on steamships, together with the generally improved conditions in the steerage, had reduced the death rate on emigrant ships to a minimum. Mechanical improvements had made it possible to eliminate dangers that in earlier days were accepted as inseparable risks attendant on all ocean travel. There was now a certainty and regularity about the length of time required for the voyage, and the arrival and departure of vessels, which simplified the problems of the emigrant who in earlier times had been accustomed to reckon the journey across the ocean in terms of weeks or months instead of days. By reason of the shortening of the time required for the voyage, hunger and thirst were now remote dangers, and epidemics, which had created such havoc on sailing ships, had practically disappeared. If such conditions as would tend to bring suffering and sickness upon emigrants still existed, they were due to carelessness and disregard of rules on the part of the carriers, or of the passengers themselves, rather than to the inherent difficulties and vicissitudes of ocean trade.

It was believed that if all shipowners and captains had observed the spirit and intent of the law of 1855, this, together with the influence of competition, would have made further legislation unnecessary. Not only did some fail to observe the spirit of the law, but in cases where the penalties attached might be avoided some carriers deliberately violated the letter of the law, and forced upon emigrants conditions that were doubly reprehensible because unnecessary.

During the investigation of 1873 the steamship companies were subjected to severe criticism from various sources. It was proven that

[a] Steerage Passengers on Emigrant Vessels. (Ex. Doc. No. 23, 43d Cong., 1st sess.)
[b] See Appendix A.

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passengers were being crowded to excess, not only on decks corresponding to those to which sailing vessels were restricted, but also on the lowest or orlop deck. Thus the darkness, the foul-smelling bilge water, the tainted atmosphere, and kindred evils of the early days were repeated, in a measure, in the steamship. Instead of two decks, steamers had four and five. Access to the main deck from the lowest was exceedingly difficult, and when passengers were seasick they were content to remain below rather than to exert themselves in trying to reach the pure air and light of the main deck. These conditions and others of similar character, injurious to the health and welfare of passengers, were allowed to obtain on many steamships.

UNITED STATES PASSENGER ACT OF 1882.

Viewed from the standpoint of its predecessors the passenger act of 1882 was an excellent measure. Its framers had profited by observing the results of the legislative experiments of about sixty-two years. This advantage, together with the marvelous development and progress in the methods of handling passenger traffic, enabled the lawmakers to draft an intelligent and comprehensive bill. By its provisions the safety and comfort of emigrants were theoretically, at least, assured. No deck less than 6 feet in height, on any vessel, was allowed to be used for passengers. On the main deck and the deck next below 100 cubic feet of air space was allowed each passenger, and on the second deck below the main deck 120 cubic feet. Decks other than the three above mentioned were under no circumstances to be used for passengers. With the development of shipbuilding, however, other decks were added to ships and this provision soon became obsolete. Sufficient berths for all passengers were to be provided, the dimensions of each berth to be not less than 2 feet in width and 6 feet in length, with suitable partitions dividing them. The sexes were to be properly separated. The steerage was to be amply supplied with fresh air by means of modern and approved ventilators. Three cooked meals, consisting of wholesome food, were to be served regularly each day. Each ship was to have a fully equipped modern hospital for the use of sick passengers. A competent physician was to be in attendance, and suitable medicines were to be carried. The ship's master was authorized to enforce such rules and regulations as would promote habits of cleanliness and good health. Dangerous articles, such as highly explosive substances and powerful acids, were forbidden on board.

One of the important questions discussed at considerable length when the law of 1882 was under consideration was the method to be employed in computing the air space allotted to steerage passengers. It will be recalled that under the law of 1819 the apportionment of passengers was made according to the tonnage of the vessel. The law of 1847 provided that each passenger should be allotted a certain number of superficial feet of deck space, without reference to the vessel's tonnage. The law of 1848 provided for a tonnage check as well as space computed in superficial feet, and the law of 1855 was the same in that regard. As early as 1854, however, a change from the superficial-area method to a system requiring a certain amount of cubic air space per person was strongly advocated.

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John H. Griscom, M. D., of New York, in a communication to the senate select committee in 1854, said:[a]

The true sanitary principle by which this matter should be regulated is not the number of tons burden of the vessel—in other words, the amount of dry goods, or coal, or iron she can carry—nor the number of superficial feet of her decks, but the number of cubic feet of air of the apartments allotted to passengers. This is the true standard of sanitary capacity, when considered independently of its means of ventilation; and this, in my judgment, should be the basis of a restrictive law in the allotment of numbers. In the first place the minimum height of ceiling should be defined, and then a certain amount of cubic feet of free space be apportioned to each passenger. By free space is meant the area of the apartment not occupied by the masts, bulkheads, casks, chains, beams, etc., all of which diminish the amount of air in the steerage. The luggage, and even the bodies of the passengers, occupy a certain cubic space, to the exclusion of an equal bulk of air, and should be regarded in the calculation. * * * But, as in the case of the height of the ceiling, a minimum amount of free cubic space should be fixed by law.

In a communication to the same committee the German Society of New York said: "Instead of superficial feet, we hold the opinion that a measurement of cubic feet should be adopted." Other correspondents of the committee also advocated the cubic air-space system of measurement, but it was not adopted at that time.

In the investigation of steerage conditions made in 1873 under the direction of the Secretary of the Treasury the matter of computing air space for steerage passengers was again considered. In his report to the Secretary one of the investigators, John M. Woodworth, M. D., supervising surgeon of the United States Marine-Hospital Service, said:[b]

It is suggested that the method of computing space prescribed by the existing law [act of 1855], even if such law were practically operative, is unnecessarily complicated. In the opinion of experts and from the results of this investigation it would seem to be preferable to state definitely how many cubic feet of clear space in each of the between decks and in the deck houses, irrespective of tonnage or of height between decks, should be allowed for each statute passenger * * *.

In his report to Congress the Secretary of the Treasury recommended the cubic air-space system of measurement,[c] and Congress finally adopted it, to the exclusion of the superficial-area and tonnage-check methods.

The loosely constructed provisions of the law of 1855 enabled steamships to carry passengers on any and every deck. To correct this the law of 1882 expressly stated that passengers could be carried only on the main deck, the deck next below, and on the second deck below the main deck. As previously stated, however, this provision was soon obsolete, for the reason that in the development of shipbuilding, following 1882, vessels with eight or nine decks were constructed, of which the "main deck" structurally was one of the lower decks. In consequence the law of 1882 in this regard defeated its own purpose until 1909, when an amendment remedying the situation became effective.

[a] Sickness and Mortality on Board Emigrant Ships. (Rep. Com. No. 386, 33d Cong., 1st sess., p. 68.)

[b] Steerage Passengers on Emigrant Vessels. (Ex. Doc. No. 23, 43d Cong., 1st sess., p. 21.)

[c] Ibid., p. 14.

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RECENT LEGISLATION.

When the subject of immigration legislation was under discussion in the Fifty-ninth Congress an attempt was made to improve steerage conditions by amending section 1 of the passenger act of 1882 in order to provide a greater amount of space for steerage passengers. Senate bill 4403, which finally became the immigration act of February 20, 1907, passed the Senate on May 23, 1906, and the House of Representatives on June 25 of the same year. No attempt was made to amend the passenger laws in either the Senate or House of Representatives, but while in conference between the two Houses an amendment was added which made important changes in section 1 of the act of 1882.

This amendment, which was enacted into law as section 42 of the immigration act, but which never became effective, as will be explained later, provided as follows:[a]

SEC. 42. It shall not be lawful for the master of a steamship or other vessel whereon immigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein eighteen clear superficial feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and twenty clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel: *Provided*, That if the height between the lower passenger deck and the deck immediately above it is less than seven feet, or if the apertures (exclusive of the side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, the ship shall not carry a greater number of passengers on that deck than in the proportion of one passenger to every thirty clear superficial feet thereof. It shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned. And in sailing vessels such passengers shall be carried or brought only on the deck (not being an orlop deck) that is next below the main deck of the vessel, or in a poop or deck house constructed on the main deck; and the compartment or space, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow one hundred and ten cubic feet for each and every passenger brought therein. And such passengers shall not be carried or brought in any between decks, nor in any compartment, space, poop, or deck house, the height of which from deck to deck is less than six feet. In computing the number of such passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in any such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation. The master of a vessel coming to a port or place in the United States in violation of either of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of passengers other than cabin passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinbefore prescribed, the said master shall be fined fifty dollars for each and every passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

This section shall take effect on January first, nineteen hundred and nine.

[a] 34 Stat. L., pt. 1, p. 898.

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Comparing section 42 with section 1 of the passenger act of 1882 [a] it will be noted that the cubic air space system of measurement which prevailed under the latter was abandoned in favor of the superficial-area method employed in the acts of 1847, 1848, and 1855, and which had been condemned by investigators of steerage conditions in 1854 and 1873. The conferees on the immigration bill probably recommended the change in order that the law of the United States might conform to the British law which required the superficial area system. It will be noted also that section 42 proposed to penalize low decks and to secure more space per passenger and better ventilation in low deck compartments by requiring a greater amount of space for each passenger carried on decks less than 7 feet in height or in compartments not ventilated as prescribed.

The passenger act of 1882 provided that 100 cubic feet of air space should be allotted to each passenger carried on the main deck or the deck next below the main deck, and 120 cubic feet to each passenger carried on the second deck below the main deck. The minimum height between decks was fixed at 6 feet.

Section 42 of the immigration act of 1907 provided that 18 clear superficial feet of deck space should be allotted to each passenger carried on the main deck or the deck next below the main deck, and 20 clear superficial feet to each passenger carried on the second deck below the main deck. It also provided that if the height between the lower passenger deck and the deck immediately above it was less than 7 feet, 30 clear superficial feet of space should be allotted to each passenger. As will be seen from section 42, it was proposed that 30 superficial feet of space should be allowed to each passenger on any lower deck that was not lighted and ventilated as prescribed.

Disregarding the provision relating to light and ventilation, section 42 provided for a considerable increase in the air space allotted to each passenger, the actual increase under the superficial area system of measurement being to a considerable degree dependent upon the height between decks. The cubic air space allowed each passenger in compartments of varying height under section 42, as compared with the provisions of the law of 1882 in that regard, is shown by the following table:

TABLE 6.—*Cubic air space per steerage passenger allowed by the passenger act of 1882 and section 42 of the immigration act of 1907 on various decks, according to height between decks.*

Height between decks.	Main deck or first deck below main deck.		Second deck below the main deck.	
	Act of 1882.	Section 42, immigration act.	Act of 1882.	Section 42, immigration act.
Feet.	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*
6	100	108	120	180
6½	100	117	120	195
7	100	126	120	140
7½	100	135	120	150
8	100	144	120	160
8½	100	153	120	170
9	100	162	120	180

[a] Appendix A, p. 395.

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It was provided that section 42 should not go into effect until January 1, 1909, in order that ample time might be given for such changes as might be necessary in the structure of ships. Steamship companies engaged in the immigrant-carrying trade objected to the provisions of the section, and on January 18, 1908, the Immigration Commission granted a hearing to their representatives.[a]

In amending the passenger law of 1882 by the enactment of section 42 of the immigration act, Congress had retained the provision that made it unlawful to carry steerage passengers on decks other than the main deck and the two decks next below the main deck. As previously stated, ships with as many as eight decks were already carrying immigrants, and as in modern vessels authorities disagreed as to which deck was in reality the "main deck," the steamship companies argued that the law was defective in that regard. Another objection to section 42 was, according to the steamship companies, that it restricted to an unnecessary degree the carrying capacity of vessels.

Just previous to the hearing granted the steamship companies, or on January 1, 1908, the revised regulations of the British Board of Trade relative to the carriage of steerage passengers had gone into effect,[b] and the steamship companies' representatives asked that section 42 be amended to conform with the British regulations. The latter avoided reference to the "main deck" by designating a "lowest passenger deck," which means the deck next below the water line, and provided that every deck or portion of deck above the lowest passenger deck, and appropriated for passengers, should be designated as a "passenger deck."

The British regulations provided that 18 clear superficial feet of space should be allotted to the use of each passenger carried on the lowest passenger deck, and 15 clear superficial feet to each passenger carried on "passenger decks." It was provided, however, that if the height of the lowest passenger deck was less than 7 feet or if that deck was not sufficiently lighted and ventilated, 25 superficial feet should be allotted to each passenger. In cases where the height of passenger decks was less than 7 feet, 18 superficial feet for each passenger was required. The British regulations also provided that 5 superficial feet of space on the open deck should be allotted to each passenger carried. It was further provided that in the measurement of passenger decks and the lowest passenger deck, there should be included the space occupied by the luggage of the passengers and by public rooms, lavatories, and bathrooms exclusively appropriated to the use of steerage passengers, provided that space appropriated for sleeping purposes should not be less than 15 superficial feet per person on the lowest passenger deck, and 12 superficial feet in the case of a passenger deck. The last-mentioned provision of the British regulations was not specifically included in the United States law of 1882, nor in section 42 of the immigration act. When the law of 1882 was enacted, little space other than sleeping space was allotted to steerage passengers on ships. With the later development of shipbuilding, however, lounging, dining, and other rooms for the use of steerage passengers had been provided on many vessels, and there was some question whether in the measurement of ships such spaces should be included in estimating the amount

[a] For report of hearing, see Appendix B, p. 413.
[b] For British regulations, see Appendix C, p. 455.

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allotted to passengers under the law. In fact, the courts early decided that space devoted to hospitals, which were required by the law of 1882, should have been taken into account in computing space required for steerage passengers.[a]

Following the hearing granted to the steamship representatives by the Immigration Commission, the Senate passed a bill repealing section 42 of the immigration act and amending section 1 of the passenger law of 1882.[b] The Senate bill altered the designation of decks to conform to the British board of trade regulations, and also adopted the British provision relative to space allotted to steerage passengers both in the matter of total space and space allotted for sleeping quarters alone. In reporting the bill above mentioned, the Senate Committee presented a report[a] in which comparison was made between the provisions of the law of 1882, section 42 of the immigration act, the bill under consideration, and the passenger laws of other countries.

The House Committee on Immigration and Naturalization, to which the Senate act under discussion was referred, after a hearing,[c] recommended an increase in the air-space allowance as provided by the Senate, and further recommended that "commodious and suitable dining rooms, lounging rooms, smoking rooms, lavatories, toilet rooms, and bath rooms shall be provided for the exclusive use of steerage passengers." The favorable report of the House committee[a] was followed by a minority report[a] signed by three members of the committee recommending that section 42 of the immigration act be allowed to go into effect as provided in that act. The proposed legislation was favored by the House, however, and with some amendments further increasing the air-space requirements, the bill became a law on December 19, 1908.

The legislation as finally enacted is as follows:[d]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the passenger act of eighteen hundred and eighty-two be, and is hereby, amended so as to read:

"It shall not be lawful for the master of any vessel whereon steerage passengers have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to or take from any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage, unobstructed by cargo, stores, or goods. The master of a vessel coming to a port or place in the United States in violation of any of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of steerage passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinafter prescribed, the said master shall be fined fifty dollars for each and every such passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

"In computing the number of passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation.

"Second. The expression 'steerage passenger' means all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless the space allotted to their exclusive use is in the proportion of at least thirty-six clear superficial feet to each passenger.

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[a] See Appendix B, p. 413.
[b] S. 5083, 60th Cong., 1st sess.
[c] For report of hearing, see Appendix B, p. 413.
[d] Public Act No. 183, 60th Cong.

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"Third. The expression 'lowest passenger deck' means the deck next below the water line; and the expression 'passenger deck' includes every deck or portion of a deck which is above the lowest passenger deck, and is appropriated for passengers.

"Fourth. A vessel shall not carry passengers, whether cabin or steerage passengers, on more than one deck below the water line.

"Fifth. The height between that part of any deck on which steerage passengers are carried and the deck immediately above it shall not be less than six feet.

"Sixth. No steerage passengers shall be carried on the lowest passenger deck unless it is sufficiently lighted by side scuttles and otherwise to the satisfaction of the inspector.

"Seventh. No greater number of steerage passengers shall be carried on the lowest passenger deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet allotted to their use. If, however, the height between the lowest passenger deck and the deck immediately above it is less than seven feet, and the apertures, exclusive of side scuttles, through which light and air are admitted are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, no greater number of steerage passengers shall be carried on that deck than in the proportion of one steerage passenger to every thirty clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten.

"Eighth. No greater number of steerage passengers may be carried on a passenger deck than in the proportion of one steerage passenger to every eighteen clear superficial feet of deck allotted to their use, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten. If, however, the height between any passenger deck and the deck immediately above it be less than seven feet, no greater number of steerage passengers may be carried on that deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten.

"Ninth. A vessel, whatever be the superficial space of the passenger decks and of the lowest passenger deck, shall not carry a greater number of steerage passengers on the whole than in the proportion of one steerage passenger to every five superficial feet of air or promenade space provided on a deck so open as not to be included in the tonnage and approved by the inspector, and this space shall not be counted or included in the area available for any other passengers, or in other areas for steerage passengers prescribed by this section.

"Tenth. In the measurement of the passenger decks and of the lowest passenger deck, the space occupied by that part of the personal baggage of the steerage passengers which the inspector permits to be carried there shall be included, and also, on whatever deck located, commodious and suitable dining rooms, lounging rooms, smoking rooms, lavatories, toilet rooms, and bath rooms: *Provided*, That—

"(a) The space in any place appropriated to the use of steerage passengers in which they sleep shall not be less than eighteen superficial feet in the case of the lowest passenger deck and fifteen superficial feet in the case of a passenger deck.

"(b) Each space so included in the measurement must be clearly marked to the satisfaction of the inspector as being exclusively appropriated for the use of the steerage passengers.

"Eleventh. Each separate compartment in which steerage passengers are berthed shall be conspicuously marked, showing the total area of such compartments."

SEC. 2. That section forty-two and so much of sections forty-three and forty-four of the act approved February twentieth, nineteen hundred and seven, entitled "An Act to regulate the immigration of aliens into the United States," as provides for the repeal of section one of the passenger act of eighteen hundred and eighty-two are hereby repealed.

SEC. 3. That this act shall take effect on January first, nineteen hundred and nine.

Approved, December 19, 1908.

Much was accomplished in getting increased air space for steerage passengers by the agitation and legislation of 1907 and 1908. In addition to this the passenger act of 1882, so far as the designation of decks is concerned, was so amended as to be applicable to modern steamships. As finally enacted, the new law does not compel steamship companies to have dining, lounging, and smoking rooms for the exclusive use of steerage passengers as provided by the House of Representatives, but by including such rooms within the space

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allotted to passengers their maintenance is encouraged. In this respect the new law is a distinct improvement over the law of 1882 and over section 42 of the immigration act.

The space allotted to steerage passengers by the passenger act of 1882, section 42 of the immigration act, the bill (S. 5083) as passed by the Senate, which is uniform with the British regulations, and the present United States law is shown by the following table:

TABLE 7.—*Cubic air space per steerage passenger allowed by laws specified, on various decks, according to height between decks.*

Height between decks.	Lowest passenger deck.				Passenger decks.			
	United States law of 1882.	Section 42, immigration act of 1907.	Senate 5083 and British law.	United States law of 1908.	United States law of 1882.	Section 42, immigration act of 1907.	Senate 5083 and British law.	United States law of 1908.
Feet.	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*
6	120	180	150	180	100	108	108	126
6½	120	195	162½	195	100	117	117	136½
7	120	140	126	147	100	126	105	126
7½	120	150	135	157½	100	135	112½	135
8	120	160	144	168	100	144	120	144
8½	120	170	153	178½	100	153	127½	153
9	120	180	162	189	100	162	135	162

In this table air space has been reduced to cubic feet according to various heights between decks in order that comparison may be made with the law of 1882 in that regard. For the purposes of the table, the terms "second deck below the main deck," as employed in the law of 1882 and in section 42, are regarded as "the lowest passenger deck;" and the "main deck" and "first deck next below the main deck" referred to in those acts are considered as "passenger decks" within the meaning of S. 5083 and the present United States law.

It will be noted that the United States law of 1908 provides for the same amount of air space per passenger on decks less than seven feet in height as was provided by section 42, but that on decks of 7 feet or over the allowance is considerably larger. This is particularly interesting as showing that the protest of the steamship companies against the provisions of section 42, because of which the subject was reconsidered by Congress, really resulted in a further limitation on the steerage carrying capacity of their vessels.

As already stated, neither the United States nor the British laws make compulsory the provision of lounging and dining rooms for steerage passengers, but both laws encourage such a provision by allowing these rooms to count in computing space. Consequently, accommodations of this sort may be provided without reducing the carrying capacity of ships. The space allotted to steerage passengers for sleeping purposes is, however, specifically regulated by both the United States and British laws, the former requiring for this purpose 18 superficial feet per passenger on the lowest passenger deck and 15 superficial feet on passenger decks, and the latter 15 and 12 superficial feet, respectively, on the lowest and other passenger decks.

The table next presented shows the number of cubic feet of air space allotted to steerage passengers for sleeping purposes by the United States and British laws on various decks, according to height between decks.

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TABLE 8.—*Cubic air space per steerage passenger allowed for sleeping purposes by United States law of 1908 and British regulations of 1907, on various decks, according to height between decks.*

Height between decks.	Lowest passenger deck.		Passenger decks.	
	United States law.	British law.	United States law.	British law.
Feet.	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*
6	108	90	90	72
6½	117	97½	97	78
7	126	105	105	84
7½	135	112½	112½	90
8	144	120	120	96
8½	153	127½	127½	102
9	162	135	135	108

It should be noted that in providing a greater amount of sleeping space per passenger in the steerage the United States law does not lessen the space that may be appropriated for lounging and dining rooms under the British regulation. In fact, the space that may be devoted to purposes other than sleeping quarters is the same under both laws—3 superficial feet per person. Both the United States and British laws also provide that for each steerage passenger carried there shall be allotted 5 superficial feet of air or promenade space on a deck so open as not to be included in the tonnage of the ship. No provision for open-deck space was made in the United States law of 1882 nor in section 42 of the immigration act of 1907.

The statutory steerage capacity of ships under the act of 1882 was of course considerably reduced as a result of the United States act of 1908, though in some cases it had already been reduced by the British regulations. The effect of this law on a few ships of various nationalities sailing to the port of New York is shown by the following table:

TABLE 9.—*Maximum statutory steerage capacity of ships specified, under the United States laws of 1882 and 1908.*

[Compiled from report of the Commissioner of Navigation, 1907, and from figures furnished by the collector of customs at New York.]

Ship.	Nationality.	Maximum steerage capacity under act of 1882.	Maximum steerage capacity under act of 1908.	Decrease.	
				Number.	Per cent.
Campania	British	1,085	765	320	[a] 29.5
Carmania	do	3,015	2,665	350	11.6
Cedric	do	3,028	2,544	484	16.0
Baltic	do	2,816	2,321	495	17.6
Heilig Olaf	Danish	2,063	1,336	727	[b] 35.2
Oscar II	do	1,619	1,361	258	15.9
Noordam	Dutch	2,878	2,365	513	17.8
La Lorraine	French	1,008	601	407	[b] 40.4
Madonna	do	1,673	1,229	444	26.5
Pennsylvania	German	2,848	2,402	446	15.7
President Lincoln	do	4,340	3,498	842	19.4
Pretoria	do	2,757	2,469	288	10.4

[a] The collector of customs at the port of New York states that the reason for the exceptional decrease in the case of the *Campania* is the height of the decks, which is unusually great, rendering the cubical space relatively larger than the superficial.

[b] Exceptional decrease due to alterations in the arrangement of passenger space.

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It is probable, however, that the effect of the law in reducing the statutory capacity of the steerage is not so serious as would appear from the preceding table, for the reason that ships rarely carry the maximum number of steerage passengers allowed by law. In the fiscal year ending June 30, 1907, on the average throughout the year French ships sailing to United States ports carried, under the law of 1882, 86 per cent of their statutory capacity; Italian ships, 85 per cent; German ships, 80 per cent; British ships, 72 per cent. Ships sailing under American and other flags not specified averaged to carry 73 per cent of their statutory capacity.[a] It should be noted in this connection that immigration to the United States reached its greatest height in the fiscal year 1907, and consequently the test upon the capacity of immigrant ships was relatively great. It is also worthy of note that of the ships mentioned in the preceding table only two, the *Campania* and *La Lorraine*, carried a larger number of steerage passengers on any one trip in 1907 than would have been allowed under the provisions of the law of 1908.

In providing that space for steerage passengers be allotted in superficial area rather than cubic feet, the new United States law follows the laws of Great Britain and France, while under the German, Italian, Spanish, and Russian laws the cubical system of measurement prevails. As previously stated,[b] the United States laws of 1847, 1848, and 1855 provided for the superficial area system of measurement, a system which was condemned by investigators of steerage conditions in 1854 and 1873. Following the recommendation of the investigators, Congress, in enacting the passenger law of 1882, adopted the cubical system. The reason for returning to the superficial area system when section 42 of the immigration law was enacted is not stated, but it may be presumed that uniformity with the British law in this regard was deemed advisable, and it is said the British law was based on the larger constructions possible with steel than with iron, involving necessarily higher between decks. In subsequent legislation, repealing section 42 and amending section 1 of the passenger law of 1882, Congress adhered to the superficial area system. In commenting upon the subject at the time the later legislation was under consideration, Mr. Eugene Tyler Chamberlain, United States Commissioner of Navigation, said:[c]

> Section 42 changed the method from the cubical-feet system to the system of square feet, with a minimum height. The cubical system, still retained by the German and Italian laws, encourages height, for as the height increases of course the floor space decreases under the cubical system. These nations found it necessary to limit height to prevent excessive cramping of floor space. Thus, under German law, height over 7.9 feet is reckoned as only 7.9; in the Italian law excess of height over 8.2 feet (2½ meters) does not count in reducing floor space. The tendency in steel construction is toward height, so with minima fixed, height can best be left to regulate itself. Superficial area is, furthermore, a simpler method of measurement, as the curves of ship construction do not always admit perfect cubes. Finally, superficial measurement must be used in some cases, as on a deck under the open air. The simpler and better system is accordingly adopted in S. 5083, as in section 42.

The Immigration Commission did not undertake a specific inquiry relative to all phases of the passenger laws of various nations, its work in this regard being confined principally to a thorough investigation of actual conditions under which steerage passengers are car-

[a] See report of the United States Commissioner of Navigation, 1907, p. 146.
[b] See pp. 346–354.
[c] See Appendix B, p 413.

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ried at sea, a report upon which has been transmitted to Congress.[a] Members of the commission charged with conducting investigations in Europe, however, secured expressions of opinion from representatives of leading steamship companies relative to section 42 of the immigration law, which had then been enacted with a provision that it should not become effective until January 1, 1909. Some of these opinions in regard to cubical and superficial-area systems of measurement follow.

Of particular interest is the attitude of the North Atlantic Passenger Conference, composed of British lines, which said:

> The alteration in the law of measurement from cubic feet to superficial area obviously operates against the deep 'tween decks of the large modern vessels, which are structurally desirable, more easily ventilated, and admit of larger side lights being fitted above the level of the upper berth, with increased space between the berths.

This expression of opinion was contained in a communication from the above-mentioned passenger conference to Commissioner William R. Wheeler, under date of September 17, 1907. The reason for the attitude of the British steamship companies in this regard is not clear, when it is considered that the British regulations require the superficial area rather than the cubical system, and that new regulations adopted by the British Board of Trade, which adhered to the superficial area system, had been issued on September 6, 1907, nearly two weeks prior to the protest against section 42, above quoted.

The Hamburg-American line argued against the superficial-area system on the ground that it would—

> soon force the shipping companies when constructing new steamers to diminish the great height they have hitherto striven to provide on the main and lower decks and convert the space thus gained into additional room on the ship.

The Sicula-Americana, an Italian steamship company, stated that the enforcement of the superficial-area system would mean—

> penalizing new steamers built with unusual 'tween-deck height in order to give each emigrant the largest possible amount of cubic space, and will be a direct inducement to put into the trade steamers with comparatively low 'tween decks, which would be a retrograde movement as regards the comfort and health of the emigrants, and would, we contend, defeat the object your Congress had in view when legislating on the matter.

There can be no doubt that the cubical system tends to encourage greater height between decks. Under the United States and British laws steamships with between decks of less than 7 feet are penalized to the extent that a greater superficial area per passenger is required, but on all decks of 7 feet or over the requirement relative to passenger space is the same. In other words, a ship with between decks 7 feet in height can, under the laws referred to, carry as many passengers as a ship with decks 9 feet in height and having the same deck area.

On the other hand, the cubical system tends to restrict the actual deck space allowed to passengers as the height between decks is increased. This fault is recognized by the laws of Germany and Italy, which limit the height between decks at which no further restriction of the deck space is allowed, the limit in the case of Germany being fixed at 2.40 meters (7.9 feet), and of Italy at 2.50 meters

[a] See report of the Immigration Commission on steerage conditions. (S. Doc. No. 206, 61st Cong., 2d sess.)

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(8.2 feet). As a rule the height between decks on steamships in the transatlantic immigrant-carrying trade is considerably above 7 feet, and in 1908 only two decks, on two steamships of the Allen Line, were under 7 feet. Of 465 between decks inspected at United States ports in the fiscal year 1907, 52 were over 7 and less than 7½ feet in height, 228 were over 7½ and less than 8 feet, 146 were over 8 and less than 8½, and 37 were over 8½ feet.[a] Under the present United States law the height between decks in excess of 7 feet on these ships is of no pecuniary advantage to the owners so far as the carriage of steerage passengers is concerned, and it is conceivable that on a modern steamship of many decks 8 feet or more in height another deck could be added and the carrying capacity materially increased without subjecting the ship to a penalty of any kind under the United States or British law. However, barring the possibility that it might encourage a tendency toward lower between decks, the present United States passenger law, so far as it relates to space for steerage passengers, is more advanced than the law of any other nation.

It may be said, however, that the great improvements during the past twenty-five years in steerage conditions on the ships of some lines has been due, perhaps, more to competition and the will of such steamship companies than to the requirements of any steerage law. As a matter of fact, the steerage, as it is popularly known, has been entirely abolished in the case of several transatlantic ships, and in its place has been established so-called third-class accommodations, which differ from the second and first class only in appointments and service, these being simpler in proportion to the difference in cost. Unfortunately, however, the old type steerage is still found in the majority of ships, and although usually referred to by transportation companies as "third class" it is unworthy the name, for it differs so completely from first and second class accommodations on the same ships that a fair comparison is not possible. This phase of the steerage question is fully discussed in the commission's report on steerage conditions previously referred to.

UNITED STATES, BRITISH, GERMAN, AND ITALIAN STEERAGE LAWS.

The United States passenger act of 1882 as amended by the act of December 19, 1908, the British merchant shipping acts of 1894 and 1906, with the British board of trade regulations of 1907, the German passenger law of 1898, and the Italian law of 1901 and regulations of 1901 and 1909, were all the result of a determination on the part of these countries that decent treatment and comfortable quarters should be the lot of steerage passengers at sea. France, Belgium, the Netherlands, Norway, Sweden, Denmark, Russia, Spain, and other maritime countries have legislated or promulgated regulations with the same end in view, but the four laws first mentioned may fairly be considered as representative of the best thought and effort in this regard. The United States law, the British regulations, and such sections of the German and Italian laws and regulations as relate to the carriage of steerage passengers are printed elsewhere,[b] but comparison of the main provisions of these laws will be of interest.

[a] See Appendix B, p. 413.

[b] For United States law see Appendix A, p. 395; for foreign laws see Appendix C, p. 455.

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AIR SPACE.

The provisions of the present United States law and the British regulations relative to air space for steerage passengers have already been discussed. As stated, the superficial area method of measurement prevails under the laws of these two countries, while the laws of Germany and Italy retain the cubical system. The laws of the two latter countries in this regard provide as follows:

Germany: 2.85 cubic meters (100.65 cubic feet), and in addition 0.25 square meter (2.69 superficial feet) of free deck space for each steerage passenger. A height between decks of more than 2.40 meters (7.87 feet) will be reckoned only as 2.40 meters.

Italy: 2.75 cubic meters (97.12 cubic feet); 3 cubic meters (105.95 cubic feet) on an orlop deck, and 0.45 square meter (4.84 square feet) of free deck space for each steerage passenger. A height between decks of more than 2.50 meters (8.20 feet) shall be reckoned only as 2.50 meters.

The cubic feet of air space allowed each steerage passenger, on various decks, according to the height between decks, by the United States, British, German, and Italian laws, are shown by the following table:

TABLE 10.—*Cubic air space per steerage passenger allowed by laws specified, on various decks, according to height between decks.*

Height between decks.	Lowest passenger deck.				Passenger decks.			
	United States law of 1908.	British law.	German law.	Italian law.	United States law of 1908.	British law.	German law.	Italian law.
Feet.	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*	*Cubic feet.*
6	180	150	100.6	105.9	126	108	100.6	97.1
6½	195	162.5	100.6	105.9	136.5	117	100.6	97.1
7	147	126	100.6	105.9	126	105	100.6	97.1
7½	157.5	135	100.6	105.9	135	112.5	100.6	97.1
8	168	144	100.6	105.9	144	120	100.6	97.1
8½	178.5	153	100.6	105.9	153	127.5	100.6	97.1
9	189	162	100.6	105.9	162	135	100.6	97.1

The table shows that under the United States law of 1908 steerage passengers are afforded a considerably greater amount of air space than under the other laws considered. The British law is next in this regard. In the amount of air space specified, the German and Italian laws are nearly alike. Under the former, however, the amount of space for sleeping is relatively greater than would appear from the above comparison, for the reason that space devoted to hospitals and to the tables and benches for dining is not deducted from the amount specified for steerage passengers, while under the United States and British laws space devoted to hospitals, public rooms, lavatories, bathrooms, etc., is included in the space allotted to steerage passengers. The Italian law appears to be silent in this regard, and consequently it may be said that the allowance of air space under it is somewhat smaller than under the law of Germany.

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BERTHS.

Not more than two tiers of berths are permitted by any of the laws under consideration.

The minimum size of berths specified in the laws and regulations of the countries considered is as follows: United States, 6 by 2 feet; British, 6 feet by 22 inches; German, 1.83 meters by 0.60 meter (6 by 1.97 feet); Italian, 1.80 meters by 0.56 meter (5.91 by 1.84 feet).

Minimum height between the deck and lower berth: United States, 6 inches; British, 12 inches; German, 0.15 meter (5.9 inches); Italian, 40 centimeters (1.31 feet).

Minimum height between lower and upper berth and between upper berth and deck above it: United States, 2½ feet; British, 2½ feet; German, 0.75 meter (2.46 feet); Italian, 70 centimeters (2.30 feet).

The United States law and British regulations contain no provision relative to bedding. The German and Italian regulations in this regard are as follows:

German.—Berths shall be provided with mattresses, pillows, and covers for every emigrant, and these must be thoroughly cleansed and disinfected after every voyage.

Italian.—Each berth shall be provided with a mattress, pillow, and woolen blanket; and when the berth is used by two children, or in cases where the inspecting commission shall so decide, according to the voyage or season, there shall be two blankets.

SEPARATION OF THE SEXES.

The provisions of the four laws under consideration in regard to the separation of the sexes are in substance as follows:

United States.—All males upward of 14 years of age who do not occupy berths with their wives shall be berthed in a separate compartment; all unmarried females shall be berthed in a separate compartment. Families, however, shall not be separated except with their consent.

British.—All males of the age of 12 years and upward, except those who occupy berths with their wives, shall be berthed in a separate compartment, or, if the ship is fitted with inclosed berths, in separate rooms.

German.—Female emigrants, who are traveling without the escort of husbands or parents, are to be accommodated in a separate compartment. On request, any other female emigrant also must be accommodated in this compartment. All males over 14 years of age who are not traveling with their wives, shall be berthed in a separate compartment.

Italian.—Women shall be berthed in separate compartments divided by solid partitions from such as contain men. Where the sleeping compartments are subdivided into large cabins containing a small number of berths, the inspecting commission may allow such compartments to be used by groups of families.

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VENTILATION AND LIGHT.

United States.—Compartments having space for 50 or more passengers shall be provided with at least 2 ventilators, each not less than 12 inches in diameter, and 2 additional vlentilators for each additional 50 passengers carried in the compartment. Every vessel shall have adequate provision for affording light to steerage passengers.

British.—"Every emigrant ship shall be supplied with such provisions for affording light and air to the passenger decks as the circumstances of the case and the conditions of the service intended may, in the judgment of the emigration officer at the port of clearance, require."

German.—Two ventilators at least 30 centimeters (0.98 foot) for compartments accommodating 100 persons or less. If more passengers are accommodated in a compartment, the number or diameter of ventilators shall be correspondingly increased. "Sufficient daylight shall be let in for all necessary occupations."

Italian.—Ventilators at least 0.75 square foot in diameter shall be provided according to the number of steerage passengers as follows: Twenty-five to 100 passengers, 2 ventilators; 100 to 200 passengers, 3 ventilators; above 200 passengers, 4 ventilators. Mechanical ventilation may be required if necessary.

WATER-CLOSETS.

United States.—Two water-closets in every vessel carrying steerage passengers. One additional closet for every 100 male passengers, for their exclusive use, and one additional closet for every 50 female passengers, for the exclusive use of female passengers and young children. Closets to be kept in a serviceable and cleanly condition throughout the voyage. For violations the master shall be liable to a penalty not exceeding $250.

British.—Four water-closets for every 100 passengers up to 300 passengers and two for each additional 100 passengers. Separate closets for the use of males and females. Master of ship liable to a fine for violation of this regulation.

German.—At least one toilet for every 50 passengers. Toilets for males and females shall, when possible, be situated on different sides of the ship.

Italian.—Two water-closets on steamers carrying upward of 100 emigrants, and 2 for every additional 150 emigrants carried. Closets for men and women shall be in well-separated groups.

FOOD.

United States.—"An allowance of good, wholesome, and proper food, with a reasonable quantity of fresh provisions, which food shall be equal in value to one and a half navy rations of the United States, and of fresh water not less than 4 quarts per day" shall be furnished to each passenger. Mothers with infants and young children to be furnished with wholesome milk or condensed milk for the sustenance of the latter. Three meals shall be served at regular hours, and tables and seats shall be provided for the use of passengers at such meals. For every willful violation the ship's master shall be fined not more than $500 and imprisoned for not more than six months.

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British.—The British merchant shipping act of 1894 makes provision for water and food supply for emigrants and specifies the articles of food to be furnished. The British act of 1906 provides that the board of trade may substitute other regulations in this regard.

German.—"Their maintenance shall not be left to emigrants. At least three times daily regular meals shall be prepared for them with suitable variation. * * * The prescribed amount of drinking water and the necessary utensils for eating and drinking are also to be provided." A sufficient number of tables and benches must be provided.

Italian.—All foodstuffs shall be of good quality, perfectly preservable, and in quantity corresponding to the average duration of the voyage which the steamer is to undertake, increased by one-third. A schedule of provisions to be provided is prescribed. Captains shall certify to the harbor master as to the exact quality and quantity of provisions put on board, and shall submit two samples of the principal articles, one for analysis, if the harbor master so determines, and one for the government surgeon or the emigration commissioner [a] accompanying the ship for comparison with the food actually supplied during the voyage. Five liters (5.28 quarts) of fresh water per day for each passenger shall be supplied.

HOSPITALS AND MEDICAL ATTENDANCE.

Hospital and medical attendance for steerage passengers are provided by the laws under discussion as follows:

United States.—Two compartments to be used exclusively as hospitals, one for men and the other for women. The hospital spaces shall not be less than 18 clear superficial feet for every 50 passengers carried. A competent surgeon or medical practitioner shall be carried on every ship carrying more than 50 steerage passengers. Hospitals shall be equipped with proper and necessary surgical instruments, medical comforts, and medicines, including such articles of food and nourishment as may be necessary for preserving the health of infants and young children. The master is liable to a penalty of not more than $250 for violations.

British.—Sufficient space shall be set apart for hospitals, and at least one hospital shall be set apart for infectious diseases. Hospital spaces shall contain not less than 18 clear superficial feet for every 50 steerage passengers carried, but in no case shall the hospital space be less than 100 superficial feet.

German.—On every ship at least two rooms shall be set aside for the use of the sick, one for male and one for female passengers. The sick rooms must contain 10 cubic meters (353.15 cubic feet) of air space for every 100 persons. Proper medicines and other supplies must be carried. For every 100 persons two hospital berths must be provided. Every ship must have on board an approved, capable doctor, whose duty it shall be to care for the emigrants without charge. On every ship there must be carried at least one person immune from seasickness, especially for the care of the sick. On demand of the doctor a special diet is to be provided for the sick.

Italian.—Every steamship carrying more than 50 emigrants shall have permanent hospitals for males and females of sufficient capacity

[a] See Appendix C, p. 455.

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to accommodate at least 2 per cent of the emigrants carried. There shall also be a hospital for infectious diseases with a capacity equal to 1 per cent of the persons carried. One or more surgeons are required, according to the number of passengers carried. In every case a hospital assistant and a nurse must be provided, and where two surgeons are shipped there shall be two hospital assistants and two nurses. Surgical instruments and medical supplies must be carried.

DISCIPLINE AND CLEANLINESS.

United States.—Masters of vessels are authorized to maintain good discipline and habits of cleanliness among passengers. Masters shall cause compartments occupied by steerage passengers to be kept in a clean and healthy condition.

British.—On every emigrant ship the medical practitioner, aided by the master, or, in the absence of the medical practitioner, the master shall exact obedience to all regulations. If any person on board fails without reasonable cause to obey or offends against any such regulation or obstructs the master or medical practitioner in the execution of any duty imposed upon him by any such regulation or is guilty of riotous or insubordinate conduct, that person shall for each offense liable to a fine not exceeding £2 and, in addition, to imprisonment for any period not exceeding one month. Spirits shall not during the voyage be sold directly or indirectly in any emigrant ship to any steerage passenger.

German.—Ships' captains are charged with the duty of providing for the proper management, cleaning, ventilation, and disinfection of the rooms intended for emigrants, especially for the removal as soon as possible of the excretions of seasick persons and the daily cleaning of the rooms of the emigrants.

Italian.—The government surgeons accompanying the ship are required to see that the compartments occupied by emigrants are properly cleaned daily and swept with sawdust mixed with disinfectants or else properly scrubbed when necessary. The ship's captain shall have exclusive authority in the maintenance of order and discipline.

From the foregoing comparisons it will be noted that while the steerage laws of the four countries considered are far from uniform in detail, it is apparent that the intent of each is "to give to those who come and go in passenger vessels a security of comfort and convenience," which, as expressed by Senator Newton, of Virginia, who framed it, was the purpose of the first United States law for the regulation of the steerage.[a]

However, as pointed out by the United States Commissioner of Navigation, Mr. Chamberlain,[b] ships of one nation carrying steerage passengers to or from the ports of another are subject to the laws of both countries, and this tends to produce a uniformity of practice. In the case of ships bringing steerage passengers to the United States, for instance, the United States law relative to space would be effective without regard to the law of the country from which the ship sailed. Other features of the various laws are not so clearly defined as is that of space provision, and in consequence there is some difficulty in

[a] See Appendix A, p. 395. [b] See Appendix B, p. 413.

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meeting the requirements of all the nations; but generally in such cases the possible disadvantage to the steerage passenger is not great.

There has been some discussion of the merits of dormitories, or large compartments, as compared with smaller compartments, or staterooms, for steerage passengers. The passenger laws considered permit either system, and circumstances largely control the steamship companies in the matter. In recent years there has been a tendency toward the adoption of the stateroom system, particularly on steamships sailing from British and northern European ports, while large compartments still prevail in the southern European trade. On some of the recently built boats of the Hamburg-American Line, so-called third-class quarters have been added. In such cases a steerage deck is fitted with staterooms, while on other steerage decks the large-compartment system is retained. The stateroom system of course insures greater privacy, and is now practically demanded by many emigrants, especially those from northern European countries. On the other hand it is said that some southern and eastern European emigrants prefer the large compartment, but whether this is or is not true, it is certain that there is no general demand for small staterooms on the part of such passengers. It is claimed, also, that the larger compartments are better ventilated and lighted than are steerage staterooms. However, the matter has not been considered of sufficient importance to demand legislation in favor of either system. Descriptions of the two general types of steerage by agents of the Immigration Commission who made an investigation of steerage conditions on several trans-Atlantic steamships in 1908 will be found in another part of the commission's general reports.[a]

ENFORCEMENT OF STEERAGE LAWS.

From the result of the Immigration Commission's investigation just referred to it is clear that bad steerage conditions are for the most part due to the nonenforcement of the various laws regulating the carriage of steerage passengers rather than to faulty provisions in those laws.

Of the four laws considered, none but the Italian provides for actual governmental supervision over a ship at sea, and consequently on ships not subject to the Italian regulations provisions of the law which can not be controlled from ports of sailing and arrival, are dependent to a great extent upon the policy of the steamship company and the will of the commanding officer. The number of steerage passengers to be carried, the equipment of the steerage, and the quality and quantity of food taken on board can, of course, be regulated according to law, but the treatment of passengers, the condition in which the steerage is kept, and the cooking and distribution of the food during the voyage can not be so controlled.

The United States passenger act of 1882 provides for an inspection upon arrival of vessels bringing steerage passengers to United States ports as follows:

> That the collector of customs of the collection district within which, or the surveyor of the port at which, any such steamship or other vessel arrives, shall direct an inspector or other officer of the customs to make an examination of the vessel, and to admeasure the compartments or spaces occupied by the emigrant passengers, or passengers other than cabin passengers, during the vogage; and such measurement shall be made in

[a] See Report of the Immigration Commission on steerage conditions. (Senate Doc. No. 206, 61st Cong., 2d sess.)

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the manner provided by law for admeasuring vessels for tonnage; and to compare the number of such passengers found on board with the list of such passengers furnished by the master to the customs officer; and the said inspector or other officer shall make a report to the aforesaid collector or surveyor, stating the port of departure, the time of sailing, the length of the voyage, the ventilation, the number of such passengers on board the vessel, and their native country, respectively; the cubic quantity of each compartment or space, and the number of berths and passengers in each space, the kind and quality of the food furnished to such passengers on the voyage; the number of deaths, and the age and sex of those who died during the voyage, and of what disease; and in case there was any unusual sickness or mortality during the voyage, to report whether the same was caused by any neglect or violation of the provisions of this act, or by the want of proper care against disease by the master or owners of the vessel; and the said reports shall be forwarded to the Secretary of Commerce and Labor at such times and in such manner as he shall direct.

In reality there are two examinations of ships arriving at United States ports. One of these is made at quarantine, and deals more especially with the condition of the ship and the statements of passengers as to their treatment, food furnished, discipline maintained, cleanliness of compartments, etc. The second examination is made after the vessel finally arrives at her dock. The report upon the examination is submitted on a blank form of which the following is a copy:

[Cat. No. 1462. Report of examination of passenger vessel. Act of December 19, 1908. Department of Commerce and Labor, Bureau of Navigation.]

Report of examination of.....of.....tons net register, Capt. ....., from....., arrived at....., 19 .

Date of sailing, ...; length of voyage, ...days; number, diameter, and description of ventilators, ...; height of ventilators above upper deck, ...; number of decks, ...

Passengers.		Males.	Females.	Total number of passengers.
Class 1.—Cabin passengers	8 years of age or over			
	Under 8 years of age			
Total				
Class 2.—Passengers, other than cabin	8 years of age or over			
	Under 8 and over 1			
	Under 1 year of age			
Total				

SPACE FOR PASSENGERS, OTHER THAN CABIN PASSENGERS.

Berthing space.	Height between decks.	Superficial feet.	Number of passengers, other than cabin passengers, allowed by law.	Number of statute passengers brought, other than cabin passengers.
On third deck above lowest passenger deck				
On second deck above lowest passenger deck				
On first deck above lowest passenger deck				
On lowest passenger deck				
Total				
Area open deck space for steerage				

PUBLIC ROOMS, ETC.

Dining rooms			
Smoking and lounging rooms			
Bath, toilet, and lavatories			
Hospitals			
Total			
Maximum space			
Berthing space			

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Food (kinds and daily allowance).
How cooked (whether well or badly, etc.).
Number, capacity, and arrangement of hospitals.
Number of tiers of berths.
Distance between berths and deck beneath.
Dimensions of single berths.
Dimensions of double berths.
Number of physicians on board.
Number of houses over hatchway.
Is law relating to companionways observed?
Number of cabooses.
Number of latrines for males.
Number of latrines for females.
Location and separation of latrines.
Is law relating to latrines observed?
Was the space allotted for the exclusive use of each cabin passenger "in the proportion to at least 36 clear superficial feet?"
Were passengers, whether cabin or steerage, carried on more than one deck below the water line?
Was the lowest passenger deck efficiently lighted by side scuttles and otherwise to the satisfaction of the inspector?
If the height between the lowest passenger deck and the deck immediately above was less than 7 feet, were the apertures, exclusive of side scuttles through which light and air were admitted, less in size than in the proportion of 3 square feet to every 100 superficial feet of that deck?
Was each separate compartment in which steerage passengers were berthed conspicuously marked so as to show the total area of the compartment?

DEATHS AND BIRTHS AMONG PASSENGERS.

Deaths.		Males.	Females.	Births.	Number.
Passengers	Above 8 years, from natural causes			Males	
	Above 8 years, from other causes			Females	
	Under 8 years of age			Total	
Total					

Causes of mortality during voyage, ... Receipts under section 10 of "The passenger act of 1882," $.....
Remarks: ...., 19 . To the ...., examiner.

It will be noted that the report for the most part deals with matters related to the structure of the ship and the number of passengers carried, which can be correctly reported upon, but the actual conditions surrounding steerage passengers during the voyage can not well be determined by an examination such as is provided by the law. Special reports are made by collectors of customs in cases calling for such action.

THE ITALIAN ROYAL COMMISSIONER.

As previously stated, the Italian law is the only one of the four discussed which provides for government supervision of emigrant-carrying ships. This supervision is exercised by a surgeon of the Royal Navy, known as the royal commissioner, on all Italian and foreign ships carrying steerage passengers from Italian ports. The Italian law provides that the royal commissioner shall have charge of the sanitary service on ships and shall look after the interests of the steerage passengers during the voyage. As a matter of fact, however, this official is practically the supreme authority in all things

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not concerned with the nautical management of the ship and the maintenance of order and discipline on board. A representative of a foreign steamship company having ships sailing from Italian ports stated to a member of the Immigration Commission that in sending royal commissioners by each steamer "the Italian authorities have occasioned an endless source of trouble aboard and reduced the authority and position of the masters to that similar to a navigating lieutenant upon a warship." Reference to the various duties imposed upon the royal commissioner by the Italian law would seem to substantiate the statement just quoted. Some of the provisions in this regard require that—

The royal commissioner shall wear the uniform of his naval rank, and at table shall be seated at the captain's right hand in the first-class saloon.

He shall have charge of the sanitary service of the ship regardless of whether a regular surgeon is carried on the ship. Passengers, other than emigrants, may employ the regular surgeon of the ship, but the latter must daily inform the royal commissioner relative to the nature and progress of the diseases treated, and when such diseases threaten the general health on board the commissioner is authorized to interfere.

He shall have charge of the medical stores and surgical instruments and supplies.

He shall see that the food distributed to the emigrants is of good quality, properly cooked and prepared, and that good fresh water is supplied.

That the ship is kept clean and especially that water-closets are frequently and thoroughly cleaned and disinfected.

That the emigrants' compartments are daily properly cleaned and swept with sawdust mixed with disinfectants.

That in cases of infectious diseases or epidemics he shall take measures to prevent them spreading among passengers, and in such cases may order the destruction of such articles as can not well be disinfected.

That in case of death on board he shall provide for the burial of the corpse at sea, unless the ship is within twenty-four hours of port; [a] and in case of death from infectious disease he shall provide for the immediate burial of the body.

These are only a few of the specific duties assigned to the royal commissioner by the Italian law and regulations, an abstract of which is printed elsewhere in this review. [b]

It is only natural that steamship companies, and especially foreign companies engaged in the Italian trade, should object to the authority conferred by the Italian law upon the royal commissioner. The attitude of one such foreign company is contained in a statement of its representative to the Immigration Commission. The statement in part follows:

These commissioners (especially those new to their duties and ultraconscious of their unlimited powers) go so far as to inform the crew that their orders must be obeyed in preference to those of the ship's officers and even the master. This naturally

[a] A correspondent of the Immigration Commission has called attention to this provision of the Italian law and incidentally to the authority of the royal commissioner in a communication which says in part: "I make an appeal in behalf of those Americans returning to the United States, whose thoughts of the contemplated voyage are mingled with dread, since the recent inhuman action of an Italian commissioner. I refer to the heart-rending case where an American daughter saw her mother's body cast into the sea in spite of the protests of captain, doctor, and passengers. It is easy to scoff at such suffering and to say that to the dead one form of burial is the same as another, but even to those who hold such views it must seem appalling to think of seeing their loved ones consigned to the deep, especially when, as in this case, no interests of humanity were served by the brutal action. I find, as I have a large acquaintance with travelers in Europe, after many years of travel, that such a contingency is looked upon with horror, and those intending to sail from Italian ports have given this as a reason for changing their point of departure." It appears that in this case, however, the royal commissioner merely carried out the plain mandate of the law.

[b] See Appendix C, p. 455.

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occasions an unsettled state of matters aboard which is very damaging to the proper discipline the master would desire to maintain. It has been known that in case of a seaman preferring to execute the orders of his officers to those of the commissioner, the latter has afterwards found some pretext for mentioning the man in his report to the Italian authorities which has always the result of the man being taken out of the ship before the commencement of a new voyage, by express order of the Italian authorities. The natural outcome of this is that in many cases the seamen are more ready to execute the commissioner's orders than those of their legitimate officer. In return for this subordination of the crew the commissioner constitutes himself their champion toward the master and officers and will set himself to right the imaginary wrongs of idlers and perhaps even insubordinate men.

If the master desires to obtain a good report for his vessel he must concede to all the requests of his commissioner. Although these officials in very many cases exceed by a long way their proper duties and functions it is only when they have most glaringly overstepped the bounds that a master can call them to account with any hope of success.

The shipowner has to feel most seriously the presence of the commissioners aboard, as they are constantly suggesting alterations to the equipment of vessels in their reports. It not infrequently occurs that after having executed the alterations proposed by a commissioner, which alterations the Italian authorities have subsequently imposed, that the succeeding commissioner on the next voyage will find these alterations made to be all wrong and suggest another alteration, and possibly in order to evidence his zeal to his superiors he will propose another alteration to some other part of the vessel. Thus endless changes in accommodation and equipment of vessels are made which in many cases are prejudicial to the interests of passengers rather than advantageous, and the shipowner has to remain without any initiative of his own because he simply can not afford to make the changes he may desire to do himself and also pay for those ordered by the Italian Government through their commissioners.

In justice, I am bound to state that although the great majority of commissioners are as I have described, there are among them sensible men who do not abuse their powers or make impossible demands upon the captain, but these are all men of experience and knowledge who have been some years in the emigration service.

RECOMMENDATIONS BY THE IMMIGRATION COMMISSION.

In the course of the investigation of steerage conditions previously referred to, agents of the Immigration Commission traveled in the steerage of two steamers sailing from Italian ports and carrying royal commissioners. In general the agents commended the work of the royal commissioners. In one report the agent said:

> It was evident that the royal commissioner worked for the interest of the steerage passengers. He was seen very often among them and helped those who needed special attention. He cared for the sick and took the utmost interest to see that they were made comfortable. He administered medicine, arising at night even to visit extreme cases.

The agents reported that some bad conditions prevailed on these ships notwithstanding the presence of the royal commissioner. These conditions, however, were for the most part such as could not be controlled by an officer who was not continuously in the steerage.

The Immigration Commission has recommended to Congress that officials of the United States, both men and women, be placed on ships carrying steerage passengers.[a] Senator William P. Dillingham, chairman of the commission, and Representative William S. Bennet, also a member of the commission, have introduced bills in accordance with this recommendation, both of which are pending in Congress. The Dillingham and Bennet bills are practically identical, the text of the former being as follows:

[a] See Report of the Immigration Commission on steerage conditions. (Senate Doc No. 206, 61st Cong., 2d sess.)

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[S. 4667, Sixty-first Congress, second session.]

A BILL To provide for United States surgeons, immigrant inspectors, and matrons on vessels carrying immigrant or emigrant passengers between ports of the United States and foreign ports.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at least one immigrant inspector and one matron of the United States immigration service shall be detailed for service on, and shall be received on, every vessel carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports, unless, because of infrequent sailings, the small number of such passengers carried, or for some other valid reason such detail is, in the opinion of the Secretary of Commerce and Labor, impracticable. On voyages from United States ports such inspectors and matrons shall be provided with accommodations equal to second cabin accommodations, but shall have access at any time to the quarters where emigrant passengers are carried. On voyages to United States ports such inspectors and matrons shall be provided with comfortable accommodations in, and shall remain in, that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons, under the direction of the Secretary of Commerce and Labor, to supply immigrant passengers with such information as may be of value to them on arrival in the United States, to observe such passengers during the voyage and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the "passenger act" of August second, eighteen hundred and eighty-two, as amended, as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing, and, if authorized by the Secretary of Commerce and Labor, to the proper officer of the vessel. Proper quarters for such inspectors and matrons on voyages to and from United States ports shall be furnished at the expense of the vessel, and subsistence and other service shall be furnished by the vessel at the expense of the United States. Whenever the Secretary of Commerce and Labor so directs, a surgeon of the United States Public Health and Marine-Hospital Service, detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. Such surgeons shall be permitted to make all necessary orders and directions, which orders shall be enforced and carried out by the master or commanding officer of any vessel to whom they are given, in relation to any provisions of the laws regulating the immigration of aliens into the United States and the violation of such provisions of the "passenger act" of August second, eighteen hundred and eighty-two, as relate to the care and treatment of immigrant passengers at sea. Such surgeons shall accompany the master or captain of the vessel in their visits to the sanitary officers of the ports of call during the voyage, and should contagious or infectious diseases prevail at any port where passengers are received he shall take all reasonable precautionary measures for the health of persons on board. Such surgeons on arrival at ports of the United States shall also assist in the examination of immigrants arriving on the vessel to which he has been detailed. Such surgeons shall wear the prescribed uniform of their service, and shall be provided with a cabin of the first class and served with meals in the first-class saloon at the expense of the vessel. For every violation of this section any person, including any transportation company, owning or operating the vessel in which such violation occurs, shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of one thousand dollars for each and every day during which such violation continues, the term "violation" to include the neglect or refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel and be given the accommodations and food herein provided for, and also the neglect or refusal of the master or commanding officer of any such vessel to obey any lawful directions of any such surgeon, and no vessel shall be granted clearance papers pending the determination of the question of the liability of such fine, and, in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

SEC. 2. That this act shall take effect July first, nineteen hundred and ten.

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APPENDIXES.

A.—UNITED STATES STEERAGE LAWS.
B.—HEARINGS AND COMMITTEE REPORTS ON STEERAGE LEGISLATION.
C.—STEERAGE LAWS AND REGULATIONS OF OTHER COUNTRIES.

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APPENDIX A.

UNITED STATES STEERAGE LAWS.

1. Act of March 2, 1819.
2. Act of February 22, 1847.
3. Act of May 17, 1848.
4. Act of March 3, 1855.
5. Act of March 24, 1860.
6. Act of August 2, 1882, as amended by act of December 19, 1908.

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Appendix A.

UNITED STATES STEERAGE LAWS.

1. ACT OF MARCH 2, 1819.

AN ACT Regulating passenger ships and vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if the master or other person on board of any ship or vessel, owned in the whole or in part by a citizen or citizens of the United States, or the territories thereof, or by a subject or subjects, citizen or citizens, of any foreign country, shall, after the first day of January next, take on board of such ship or vessel at any foreign port or place, or shall bring or convey into the United States, or the territories thereof, from any foreign port or place; or shall carry, convey, or transport, from the United [States], or the territories thereof, to any foreign port or place, a greater number of passengers than two for every five tons of such ship or vessel, according to custom-house measurement, every such master, or other person so offending and the owner or owners of such ship or vessels shall severally forfeit and pay to the United States the sum of one hundred and fifty dollars for each and every passenger so taken on board of such ship or vessel over and above the aforesaid number of two to every five tons of such ship or vessel; to be recovered by suit in any circuit or district court of the United States where the said vessel may arrive, or where the owner or owners aforesaid may reside: *Provided, nevertheless*, That nothing in this act shall be taken to apply to the complement of men usually and ordinarily employed in navigating such ship or vessel.

SEC. 2. *And be it further enacted*, That if the number of passengers so taken on board of any ship or vessel as aforesaid, or conveyed or brought into the United States, or transported therefrom as aforesaid, shall exceed the said proportion of two to every five tons of such ship or vessel by the number of twenty passengers, in the whole, every such ship or vessel shall be deemed and taken to be forfeited to the United States and shall be prosecuted and distributed in the same manner in which the forfeitures and penalties are recovered and distributed under the provisions of the act entitled "An act to regulate the collection of duties on imports and tonnage."

SEC. 3. *And be it further enacted*, That every ship or vessel bound on a voyage from the United States to any port on the continent of Europe, at the time of leaving the last port whence such ship or vessel shall sail, shall have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted provisions, one gallon of vinegar, and one hundred pounds of wholesome ship bread, for each and every passenger on board such ship or vessel, over and above such other provisions, stores, and live stock as may be put on board by such master or passenger for their use, or that of the crew of such ship or vessel; and in like proportion for a shorter or longer voyage; and if the passengers on board of said ship or vessel in which the proportion of provisions herein directed shall not have been provided, shall at any time be put on short allowance, in water, flesh, vinegar, or bread, during any voyage aforesaid, the master and owner of such ship or vessel shall severally pay to each and every passenger who shall have been put on short allowance as aforesaid, the sum of three dollars for each and every day they may have been on such short allowance; to be recovered in the same manner as seamen's wages are, or may be, recovered.

SEC. 4. *And be it further enacted*, That the captain or master of any ship or vessel arriving in the United States, or any of the territories thereof, from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and, if there be no cargo, then at the time of making report or entry of the ship or vessel pursuant to the existing laws of the United States, shall also deliver and report to the collector of the district in which such ship or vessel shall arrive, a list or manifest of all the passengers taken on board of the said ship or vessel at any foreign port or place; in which list or manifest it shall be the duty of the said master to designate, particularly, the age, sex, and occupation of said passengers, respectively, the country to which they severally belong and that of which it is their intention to become inhabitants, and shall further set forth whether any and what number have died on the voyage; which report and manifest shall be sworn to by the said master in the same manner as is directed by the existing laws of the United States in relation to the manifest of the cargo, and that the

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refusal or neglect of the master aforesaid to comply with the provisions of this section shall incur the same penalties, disabilities, and forfeitures as are at present provided for a refusal or neglect to report and deliver a manifest of the cargo aforesaid.

SEC. 5. *And be it further enacted*, That each and every collector of the customs, to whom such manifest, or list of passengers as aforesaid shall be delivered, shall, quarter yearly, return copies thereof to the Secretary of State of the United States, by whom statements of the same shall be laid before Congress at each and every session.

2. ACT OF FEBRUARY 22, 1847.

AN ACT To regulate the carriage of passengers in merchant vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if the master of any vessel owned in whole or in part by a citizen of the United States of America, or by a citizen of any foreign country, shall take on board such vessel, at any foreign port or place a greater number of passengers than in the following proportion to the space occupied by them and appropriated for their use, and unoccupied by stores, or other goods, not being the personal luggage of such passengers, that is to say, on the lower deck or platform one passenger for every fourteen clear superficial feet of deck, if such vessel is not to pass within the Tropics during such voyage; but if such vessel is to pass within the Tropics during such voyage, then one passenger for every twenty such clear superficial feet of deck, and on the orlop deck (if any) one passenger for every thirty such superficial feet in all cases, with intent to bring such passengers to the United States of America, and shall leave such port or place with the same, and bring the same or any number thereof, within the jurisdiction of the United States aforesaid, or if any such master of vessel shall take on board of his vessel at any port or place within the jurisdiction of the United States aforesaid any greater number of passengers than the proportions aforesaid admit, with intent to carry the same to any foreign port or place, every such master shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any circuit or district court of the United States aforesaid, shall, for each passenger taken on board beyond the above proportions, be fined in the sum of fifty dollars, and may also be imprisoned for any term not exceeding one year: *Provided*, That this act shall not be construed to permit any ship or vessel to carry more than two passengers to five tons of such ship or vessel.

SEC. 2. *And be it further enacted*, That if the passengers so taken on board of such vessel, and brought into or transported from the United States aforesaid, shall exceed the number limited by the last section to the number of twenty in the whole, such vessel shall be forfeited to the United States aforesaid, and be prosecuted and distributed as forfeitures are under the act to regulate duties on imports and tonnage.

SEC. 3. *And be it further enacted*, That if any such vessel as aforesaid shall have more than two tiers of berths, or in case, in such vessel, the interval between the floor and the deck or platform beneath shall not be at least six inches, and the berths well constructed, or in case the dimensions of such berths shall not be at least six feet in length, and at least eighteen inches in width, for each passenger as aforesaid, then the master of said vessel, and the owners thereof, severally, shall forfeit and pay the sum of five dollars for each and every passenger on board of said vessel on such voyage, to be recovered by the United States as aforesaid, in any circuit or district court of the United States where such vessel may arrive, or from which she sails.

SEC. 4. *And be it further enacted*, That, for the purposes of this act, it shall in all cases be computed that two children, each being under the age of eight years, shall be equal to one passenger, and that children under the age of one year shall not be included in the computation of the number of passengers.[a]

SEC. 5. *And be it further enacted*, That the amount of the several penalties imposed by this act shall be liens on the vessel or vessels violating its provisions; and such vessel may be libeled and sold therefor in the district court of the United States aforesaid in which such vessel shall arrive.

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[a] An act to amend an act entitled "An act to regulate the carriage of passengers in merchant vessels, and to determine when said act shall take effect," repealed so much of the act of February 22, 1847, as authorized shippers to estimate two children of 8 years of age and under as one passenger. This amendment was approved March 2, 1847.

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3. ACT OF MAY 17, 1848.

AN ACT To provide for the ventilation of passenger vessels, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all vessels, whether of the United States or any other country, having sufficient capacity according to law for fifty of more passengers (other than cabin passengers), shall, when employed in transporting such passengers between the United States and Europe, have on the upper deck, for the use of such passengers, a house over the passageway leading to the apartment allotted to such passengers below deck, firmly secured to the deck, or combings of the hatch, with two doors, the sills of which shall be at least one foot above the deck, so constructed that one door or window in such house may, at all times, be left open for ventilation; and all vessels so employed, and having the capacity to carry one hundred and fifty such passengers, or more, shall have two such houses; and the stairs or ladder leading down to the aforesaid apartment shall be furnished with a handrail of wood or strong rope: *Provided, nevertheless*, Booby hatches may be substituted for such houses in vessels having three permanent decks.

SEC. 2. *And be it further enacted*, That every such vessel so employed, and having the legal capacity for more than one hundred such passengers, shall have at least two ventilators to purify the apartment or apartments occupied by such passengers; one of which shall be inserted in the after part of the apartment or apartments, and the other shall be placed in the forward portion of the apartment or apartments, and one of them shall have an exhausting cap to carry off the foul air, and the other a receiving cap to carry down the fresh air; which said ventilators shall have a capacity proportioned to the size of the apartment or apartments to be purified; namely, if the apartment or apartments will lawfully authorize the reception of two hundred such passengers, the capacity of such ventilators shall each of them be equal to a tube of twelve inches diameter in the clear, and in proportion for larger or smaller apartments; and all said ventilators shall rise at least four feet six inches above the upper deck of any such vessel, and be of the most approved form and construction: *Provided*, That if it shall appear, from the report to be made and approved, as provided in the seventh section of this act, that such vessel is equally well ventilated by any other means, such other means of ventilation shall be deemed, and held to be, a compliance with the provisions of this section.

SEC. 3. *And be it further enacted*, That every vessel carrying more than fifty such passengers shall have for their use on deck, housed and conveniently arranged, at least one camboose or cooking range, the dimensions of which shall be equal to four feet long and one foot six inches wide for every two hundred passengers; and provisions shall be made in the manner aforesaid in this ratio for a greater or less number of passengers: *Provided, however*, And nothing herein contained shall take away the right to make such arrangements for cooking between decks, if that shall be deemed desirable.

SEC. 4. *And be it further enacted*, That all vessels employed as aforesaid shall have on board, for the use of such passengers, at the time of leaving the last port whence such vessel shall sail, well secured under deck, for each passenger, at least fifteen pounds of good navy bread, ten pounds of rice, ten pounds of oatmeal, ten pounds of wheat flour, ten pounds of peas and beans, thirty-five pounds of potatoes, one pint of vinegar, sixty gallons of fresh water, ten pounds of salted pork, free of bone, all to be of good quality, and a sufficient supply of fuel for cooking; but at places where either rice, oatmeal, wheat flour, or peas and beans cannot be procured, of good quality and on reasonable terms, the quantity of either or any of the other last-named articles may be increased and substituted therefor; and in case potatoes cannot be procured on reasonable terms, one pound of either of said articles may be substituted in lieu of five pounds of potatoes, and the captains of such vessels shall deliver to each passenger at least one-tenth part of the aforesaid provisions weekly, commencing on the day of sailing, and daily at least three quarts of water, and sufficient fuel for cooking; and if the passengers on board of any such vessel in which the provisions, fuel, and water herein required shall not have been provided as aforesaid, shall at any time be put on short allowance during any voyage, the master or owner of any such vessel shall pay to each and every passenger who shall have been put on short allowance the sum of three dollars for each and every day they may have been on such short allowance, to be recovered in the circuit or district court of the United States: *Provided, nevertheless*, And nothing herein contained shall prevent any passenger, with the consent of the captain, from furnishing for himself the articles of food herein specified; and, if put on board in good order, it shall fully satisfy the provisions of this act so far as regards food: *And provided further*, That any passenger may also, with the consent of the captain, furnish for himself an

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equivalent for the articles of food required in other and different articles; and if, without waste or neglect on the part of the passenger, or inevitable accident, they prove insufficient, and the captain shall furnish comfortable food to such passengers during the residue of the voyage, this, in regard to food, shall also be a compliance with the terms of this act.

SEC. 5. *And be it further enacted*, That the captain of any such vessel so employed is hereby authorized to maintain good discipline, and such habits of cleanliness among such passengers, as will tend to the preservation and promotion of health; and to that end he shall cause such regulations as he may adopt for this purpose to be posted up, before sailing, on board such vessel, in a place accessible to such passengers, and shall keep the same so posted up during the voyage; and it is hereby made the duty of said captain to cause the apartment occupied by such passengers to be kept, at all times, in a clean, healthy state, and the owners of every such vessel so employed are required to construct the decks, and all parts of said apartment, so that it can be thoroughly cleansed; and they shall also provide a safe, convenient privy or water-closet for the exclusive use of every one hundred such passengers. And when the weather is such that said passengers cannot be mustered on deck with their bedding, it shall be the duty of the captain of every such vessel to cause the deck occupied by such passengers to be cleaned (cleansed) with chloride of lime, or some other equally efficient disinfecting agent, and also at such other times as said captain may deem necessary.

SEC. 6. *And be it further enacted*, That the master and owner or owners of any such vessel so employed, which shall not be provided with the house or houses over the passageways, as prescribed in the first section of this act, or with ventilators, as prescribed in the second section of this act, or with the cambooses or cooking ranges with the houses over them, as prescribed in the third section of this act, shall severally forfeit and pay to the United States the sum of two hundred dollars for each and every violation of, or neglect to conform to, the provisions of each of said sections, and fifty dollars for each and every neglect or violation of any of the provisions of the fifth section of this act, to be recovered by suit in any circuit or district court of the United States, within the jurisdiction of which the said vessel may arrive, or from which it may be about to depart, or at any place within the jurisdiction of such courts, wherever the owner or owners, or captain, of such vessel may be found.

SEC. 7. *And be it further enacted*, That the collector of the customs, at any port in the United States at which any vessel so employed shall arrive, or from which any such vessel shall be about to depart, shall appoint and direct one of the inspectors of the customs for such port to examine such vessel, and report in writing to such collector whether the provisions of the first, second, third, and fifth sections of this act have been complied with in respect to such vessel; and if such report shall state such compliance, and be approved by such collector, it shall be deemed and held as conclusive evidence thereof.

SEC. 8. *And be it further enacted*, That the first section of the act entitled "An act to regulate the carriage of passengers in merchant vessels," approved February twenty-second, eighteen hundred and forty-seven, be so amended that, when the height or distance between the decks of the vessels referred to in the said section shall be less than six feet, and not less than five feet, there shall be allowed to each passenger sixteen clear superficial feet on the deck, instead of fourteen, as prescribed in said section; and if the height or distance between the decks shall be less than five feet, there shall be allowed to each passenger twenty-two clear superficial feet on the deck; and if the master of any such vessel shall take on board his vessel, in any port of the United States, a greater number of passengers than is allowed by this section, with the intent specified in said first section of the act of eighteen hundred and forty-seven, or if the master of any such vessel shall take on board at a foreign port, and bring within the jurisdiction of the United States, a greater number of passengers than is allowed by this section, said master shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner provided for the punishment of persons convicted of a violation of the act aforesaid; and in computing the number of passengers on board such vessels, all children under the age of one year, at the time of embarkation, shall be excluded from such computation.

SEC. 9. *And be it further enacted*, That this act shall take effect, in respect to such vessels sailing from ports in the United States, in thirty days from the time of its approval; and in respect to every such vessel sailing from ports in Europe, in sixty days after such approval; and it is hereby made the duty of the Secretary of State to give notice, in the ports of Europe, of this act, in such manner as he may deem proper.

SEC. 10. *And be it further enacted*, That so much of the first section of the act entitled "An act regulating passenger ships and vessels," approved March second, eighteen hundred and nineteen, or any other act that limits the number of passengers to two for every five tons, is hereby repealed.

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4. ACT OF MARCH 3, 1855.

AN ACT To regulate the carriage of passengers in steamships and other vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no master of any vessel owned in whole or in part by a citizen of the United States, or by a citizen of any foreign country, shall take on board such vessel, at any foreign port or place other than foreign contiguous territory of the United States, a greater number of passengers than in proportion of one to every two tons of such vessel, not including children under the age of one year in the computation, and computing two children over one and under eight years of age as one passenger. That the spaces appropriated for the use of such passengers, and which shall not be occupied by stores or other goods, not the personal baggage of such passengers, shall be in the following proportions, namely: On the main and poop decks or platforms, and in the deck houses, if there be any, one passenger for each sixteen clear superficial feet of deck, if the height or distance between the decks or platform shall not be less than six feet; and on the lower deck (not being an orlop deck), if any, one passenger for eighteen such clear superficial feet, if the height or distance between the decks or platforms shall not be less than six feet, but so as that no passenger shall be carried on any other deck or platform, nor upon any deck where the height or distance between decks is less than six feet, with intent to bring such passenger to the United States, and shall leave such port or place and bring the same, or any number thereof, within the jurisdiction of the United States; or if any such master of any vessel shall take on board his vessel, at any port or place within the jurisdiction of the United States, any greater number of passengers than in the proportion aforesaid, to the space aforesaid, or to the tonnage aforesaid, with intent to carry the same to any foreign port or place other than foreign contiguous territory as aforesaid, every such master shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any circuit or district court of the United States, shall, for each passenger taken on board beyond the limit aforesaid, or the space aforesaid, be fined in the sum of fifty dollars, and may also be imprisoned, at the discretion of the judge before whom the penalty shall be recovered, not exceeding six months; but should it be necessary, for the safety or convenience of the vessel, that any portion of her cargo, or any other articles or article, should be placed on, or stored in, any of the decks, cabins, or other places appropriated to the use of passengers, the same may be placed in lockers or enclosures prepared for the purpose, on an exterior surface impervious to the wave, capable of being cleansed in like manner as the decks or platforms of the vessel. In no case, however, shall the places thus provided be deemed to be a part of the space allowable for the use of passengers, but the same shall be deducted therefrom, and in all cases where prepared or used, the upper surface of said lockers on enclosed spaces, shall be deemed and taken to be the deck or platform from which measurement shall be made for all the purposes of this act. It is also provided, that one hospital, in the spaces appropriated to passengers, and separate therefrom by an appropriate partition, and furnished as its purposes require, may be prepared, and, when used, may be included in the space allowable for passengers, but the same shall not occupy more than one hundred superficial feet of deck or platform: *Provided*, That on board two-deck ships, where the height between the decks is seven and one-half feet or more, fourteen clear superficial feet of deck shall be the proportion required for each passenger.

SEC. 2. *And be it further enacted*, That no such vessel shall have more than two tiers of berths, and the interval, between the lowest part thereof and the deck or platform beneath, shall not be less than nine inches, and the berths shall be well constructed, parallel with the sides of the vessel, and separated from each other by partitions, as berths ordinarily are separated, and shall be at least six feet in length, and at least two feet in width, and each berth shall be occupied by no more than one passenger; but double berths of twice the above width may be constructed, each berth to be occupied by no more, and by no other, than two women, or by one woman and two children under the age of eight years, or by husband and wife, or by a man and two of his own children under the age of eight years, or by two men, members of the same family; and if there shall be any violation of this section in any of its provisions, then the master of the vessel, and the owners thereof, shall severally forfeit and pay the sum of five dollars for each passenger on board of said vessel on such voyage, to be recovered by the United States in any port where such vessel may arrive or depart.

SEC. 3. *And be it further enacted*, That all vessels, whether of the United States or any foreign country, having sufficient capacity or space, according to law, for fifty or more passengers (other than cabin passengers), shall, when employed in transporting such passengers between the United States and Europe, have, on the upper deck, for the use of such passengers, a house over the passage-way leading to the apartments allotted to such passengers below deck, firmly secured to the deck or combings of the

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hatch, with two doors, the sills of which shall be at least one foot above the deck, so constructed, that one door or window in such house may at all times be left open for ventilation; and all vessels so employed, and having the capacity to carry one hundred and fifty such passengers or more, shall have two such houses; and the stairs or ladder, leading down to the aforesaid apartment, shall be furnished with a hand-rail of wood or strong rope; but booby hatches may be substituted for such houses.

SEC. 4. *And be it further enacted*, That every such vessel so employed, and having the legal capacity for more than one hundred such passengers, shall have at least two ventilators to purify the apartment or apartments occupied by such passengers; one of which shall be inserted in the after part of the apartment or apartments, and the other shall be placed in the forward portion of the apartment or apartments, and one of them shall have an exhausting cap to carry off the foul air, and the other a receiving cap to carry down the fresh air; which said ventilators shall have a capacity proportioned to the size of the apartment or apartments to be purified, namely: If the apartment or apartments will lawfully authorize the reception of two hundred such passengers, the capacity of such ventilators shall each be equal to a tube of twelve inches diameter in the clear, and in proportion for larger or smaller apartments; and all said ventilators shall rise at least four feet six inches above the upper deck of any such vessel, and be of the most approved form and construction; but if it shall appear, from the report, to be made and approved, as hereinafter provided, that such vessel is equally well ventilated by any other means, such other means of ventilation shall be deemed and held to be a compliance with the provisions of this section.

SEC. 5. *And be it further enacted*, That every vessel carrying more than fifty such passengers, shall have for their use on deck, housed and conveniently arranged, at least one camboose or cooking range, the dimensions of which shall be equal to four feet long and one foot six inches wide for every two hundred passengers; and provision shall be made in the manner aforesaid, in this ratio, for a greater or less number of passengers; but nothing herein contained shall take away the right to make such arrangements for cooking between decks, if that shall be deemed desirable.

SEC. 6. *And be it further enacted*, That all vessels employed as aforesaid, shall have on board, for the use of such passengers, at the time of leaving the last port whence such vessel shall sail, well secured under deck, for each passenger, at least twenty pounds of good navy bread, fifteen pounds of rice, fifteen pounds of oatmeal, ten pounds of wheat flour, fifteen pounds of peas and beans, twenty pounds of potatoes, one pint of vinegar, sixty gallons of fresh water, ten pounds of salted pork, and ten pounds of salt beef, free of bone, all to be of good quality; but at places where either rice, oatmeal, wheat flour, or peas and beans cannot be procured, of good quality and on reasonable terms, the quantity of either or any of the other last named articles may be increased and substituted therefor; and, in case potatoes cannot be procured on reasonable terms, one pound of either of said articles may be substituted in lieu of five pounds of potatoes; and the captains of such vessels shall deliver to each passenger at least one-tenth part of the aforesaid provisions weekly, commencing on the day of sailing, and at least three quarts of water daily; and if the passengers on board of any such vessel in which the provisions and water herein required shall not have been provided as aforesaid, shall, at any time, be put on short allowance during any voyage, the master or owner of any such vessel shall pay to each and every passenger who shall have been put on short allowance, the sum of three dollars for each and every day they may have been put on short allowance, to be recovered in the circuit or district court of the United States; and it shall be the duty of the captain or master of every such ship or vessel to cause the food and provisions of all the passengers to be well and properly cooked daily, and to be served out and distributed to them at regular and stated hours, by messes, or in such other manner as shall be deemed best and most conducive to the health and comfort of such passengers, of which hours and manner of distribution, due and sufficient notice shall be given. If the captain or master of any such ship or vessel, shall wilfully fail to furnish and distribute such provisions, cooked as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before any circuit or district court of the United States, shall be fined not more than one thousand dollars, and shall be imprisoned for a term not exceeding one year: *Provided*, That the enforcement of this penalty shall not affect the civil responsibility of the captain or master and owners, to such passengers as may have suffered from said default.

SEC. 7. *And be it further enacted*, That the captain of any such vessel so employed, is hereby authorized to maintain good discipline and such habits of cleanliness among such passengers as will tend to the preservation and promotion of health; and to that end he shall cause such regulations as he may adopt for this purpose to be posted up before sailing, on board such vessel, in a place accessible to such passengers, and shall keep the same so posted up during the voyage; and it is hereby made the duty of said captain to cause the apartments occupied by such passengers to be kept at all times in

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a clean, healthy state; and the owners of every such vessel so employed, are required to construct the decks and all parts of said apartment so that it can be thoroughly cleansed; and they shall also provide a safe, convenient privy or water-closet for the exclusive use of every one hundred such passengers. And when the weather is such that said passengers cannot be mustered on deck with their bedding, it shall be the duty of the captain of every such vessel to cause the deck, occupied by such passengers, to be cleansed with chloride of lime, or some other equally efficient disinfecting agent, and also at such other times as said captain may deem necessary.

SEC. 8. *And be it further enacted*, That the master and owner or owners of any such vessel so employed, which shall not be provided with the house or houses over the passageways, as prescribed in the third section of this chapter, or with ventilators, as prescribed in the fourth section of this chapter, or with the cambooses or cooking ranges, with the houses over them, as prescribed in the fifth section of this chapter, shall severally forfeit and pay to the United States the sum of two hundred dollars for each and every violation of, or neglect to conform to, the provisions of each of said sections, and fifty dollars for each and every neglect or violation of any of the provisions of the seventh section of this chapter, to be recovered by suit in any circuit or district court of the United States within the jurisdiction of which the said vessel may arrive, or from which she may be about to depart, or at any place within the jurisdiction of such courts, wherever the owner or owners, or captain of such vessel may be found.

SEC. 9. *And be it further enacted*, That the collector of the customs at any port of the United States, at which any vessel so employed shall arrive, or from which any such vessel shall be about to depart, shall appoint and direct one or more of the inspectors of the customs for such port, to examine such vessel, and report in writing to such collector, whether the requirements of law have been complied with in respect to such vessel; and if such report shall state such compliance, and shall be approved by such collector, it shall be deemed and held as prima facie evidence thereof.

SEC. 10. *And be it enacted*, That the provisions, requisitions, penalties, and liens of this act, relating to the space in vessels appropriated to the use of passengers, are hereby extended and made applicable to all spaces appropriated to the use of steerage passengers in vessels propelled in whole or in part by steam, and navigating from, to, and between the ports, and in manner as in this act named, and to such vessels and to the masters thereof; and so much of the act entitled "An act to amend an act entitled 'An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes,'" approved August thirtieth, eighteen hundred and fifty-two, as conflicts with this act, is hereby repealed; and the space appropriated to the use of steerage passengers in vessels so as above propelled and navigated, is hereby subject to the supervision and inspection of the collector of customs at any port of the United States at which any such vessel shall arrive, or from which she shall be about to depart; and the same shall be examined and reported in the same manner and by the same officers by the next preceding section directed to examine and report.

SEC. 11. *And be it further enacted*, That the vessels bound from any port in the United States to any port or place in the Pacific Ocean, or on its tributaries, or from any such port or place to any port in the United States on the Atlantic or its tributaries, shall be subject to the foregoing provisions regulating the carriage of passengers in merchant vessels, except so much as relates to provisions and water; but the owners and masters of all such vessels shall in all cases furnish to each passenger the daily supply of water therein mentioned; and they shall furnish a sufficient supply of good and wholesome food, properly cooked; and in case they shall fail so to do, or shall provide unwholesome or unsuitable provisions, they shall be subject to the penalty provided in the sixth section of this chapter, in case the passengers are put on short allowance of water or provisions.

SEC. 12. *And be it further enacted*, That the captain or master of any ship or vessel arriving in the United States, or any of the Territories thereof, from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and if there be no cargo, then at the time of making report or entry of the ship or vessel, pursuant to law, shall also deliver and report to the collector of the district in which such ship or vessel shall arrive, a list or manifest of all the passengers taken on board of the said ship or vessel at any foreign port or place; in which list or manifest it shall be the duty of the said master to designate particularly the age, sex, and occupation of the said passengers respectively, the part of the vessel occupied by each during the voyage, the country to which they severally belong, and that of which it is their intention to become inhabitants; and shall further set forth, whether any and what number have died on the voyage; which list or manifest shall be sworn to by the said master, in the same manner as directed by law in relation to the manifest of the cargo; and the refusal or neglect

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of the master aforesaid to comply with the provisions of this section, or any part thereof, shall incur the same penalties, disabilities, and forfeitures as are provided for a refusal or neglect to report and deliver a manifest of the cargo aforesaid.

SEC. 13. *And be it further enacted*, That each and every collector of the customs, to whom such manifest or list of passengers as aforesaid shall be delivered, shall quarter yearly return copies thereof to the Secretary of State of the United States, by whom statements of the same shall be laid before Congress at each and every session.

SEC. 14. *And be it further enacted*, That in case there shall have occurred on board any ship or vessel arriving at any port or place within the United States or its Territories, any death or deaths among the passengers (other than cabin passengers), the master or captain, or owner, or consignee of such ship or vessel, shall, within twenty-four hours after the time within which the report and list or manifest of passengers mentioned in section twelve of this act, is required to be delivered to the collector of the customs, pay to the said collector the sum of ten dollars for each and every passenger above the age of eight years, who shall have died on the voyage by natural disease; and the said collector shall pay the money thus received, at such times and in such manner as the Secretary of the Treasury, by general rules, shall direct, to any board or commission appointed by and acting under the authority of the State within which the port where such ship or vessel arrived is situated, for the care and protection of sick, indigent, or destitute emigrants, to be applied to the objects of their appointment; and if there be more than one board or commission who shall claim such payment, the Secretary of the Treasury, for the time being, shall determine which is entitled to receive the same, and his decision in the premises shall be final and without appeal; *Provided*, That the payment shall, in no case, be awarded or made to any board, or commission, or association, formed for the protection or advancement of any particular class of emigrants, or emigrants of any particular nation or creed; and if the master, captain, owner, or consignee of any ship or vessel, refuse or neglect to pay to the collector the sum and sums of money required, and within the time prescribed by this section, he or they shall severally forfeit and pay the sum of fifty dollars, in addition to such sum of ten dollars, for each and every passenger upon whose death the same has become payable, to be recovered by the United States, in any circuit or district court of the United States where such vessel may arrive, or such master, captain, owner, or consignee may reside; and when recovered, the said money shall be disposed of in the same manner as is directed with respect to the sum and sums required to be paid to the collector of customs.

SEC. 15. *And be it further enacted*, That the amount of the several penalties imposed by the foregoing provisions regulating the carriage of passengers in merchant vessels, shall be liens on the vessel or vessels violating those provisions, and such vessel or vessels shall be libelled therefor in any circuit or district court of the United States, where such vessel or vessels shall arrive.

SEC. 16. *And be it further enacted*, That all and every vessel or vessels which shall or may be employed by the American Colonization Society or the colonization society of any State, to transport, and which shall actually transport, from any port or ports of the United States to any colony or colonies on the west coast of Africa, colored emigrants, to reside there, shall be, and the same are hereby, subjected to the operation of the foregoing provisions, regulating the carriage of passengers in merchant vessels.

SEC. 17. *And be it further enacted*, That the collector of the customs shall examine each emigrant ship or vessel on its arrival at his port, and ascertain and report to the Secretary of the Treasury the time of sailing, the length of the voyage, the ventilation, the number of passengers, their space on board, their food, the native country of the emigrants, the number of deaths, the age and sex of those who died during the voyage; together with his opinion of the cause of the mortality, if any, on board, and, if none, what precautionary measures, arrangements, or habits are supposed to have had any, and what agency in causing the exemption.

SEC. 18. *And be it further enacted*, That this act shall take effect, with respect to vessels sailing from ports in the United States on the eastern side of the continent, within thirty days from the time of its approval; and with respect to vessels sailing from ports in the United States on the western side of the continent, and from ports in Europe, within sixty days from the time of its approval; and with respect to vessels sailing from ports in other parts of the world, within six months from the time of its approval.

And it is hereby made the duty of the Secretary of State to give notice, in the ports of Europe, and elsewhere, of this act, in such manner as he shall deem proper.

SEC. 19. *And be it further enacted*, That from and after the time that this act shall take effect with respect to any vessels, then, in respect to such vessels, the act of second March, eighteen hundred and nineteen, entitled "An act regulating passen-

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ger ships and vessels," the act of twenty-second of February, eighteen hundred and forty-seven, entitled "An act to regulate the carriage of passengers in merchant vessels;" the act of second March, eighteen hundred and forty-seven, entitled "An act to amend an act entitled 'An act to regulate the carriage of passengers in merchant vessels,' and to determine the time when said act shall take effect;" the act of thirty-first January, eighteen hundred and forty-eight, entitled "An act exempting vessels employed by the American Colonization Society in transporting colored emigrants from the United States to the coast of Africa from the provisions of the acts of the twenty-second February and second March, eighteen hundred and forty-seven, regulating the carriage of passengers in merchant vessels;" the act of seventeen May, eighteen hundred and forty-eight, entitled "An act to provide for the ventilation of passenger vessels, and for other purposes;" and the act of third March, eighteen hundred and forty-nine, entitled "An act to extend the provisions of all laws now in force relating to the carriage of passengers in merchant vessels, and the regulation thereof," are hereby repealed. But nothing in this act contained shall in any wise obstruct or prevent the prosecution, recovery, distribution, or remission of any fines, penalties, or forfeitures, which may have been incurred in respect to any vessels prior to the day this act goes into effect, in respect to such vessels, under the laws hereby repealed, for which purpose the said laws shall continue in force.

But the Secretary of the Treasury may, in his discretion, and upon such conditions as he shall think proper, discontinue any such prosecutions or remit or modify any such penalties.

5. ACT OF MARCH 24, 1860.

AN ACT To amend an act entitled "An Act to Regulate the Carriage of Passengers in Steamships and Other Vessels," Approved March Third, Eighteen Hundred and Fifty-five, for Better Protection of Female Passengers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every master or other officer, seaman or other person employed on board of any ship or vessel of the United States, who shall, during the voyage of such ship or vessel, under promise of marriage, or by threats, or by the exercise of his authority, or by solicitation, or the making of gifts or presents, seduce and have illicit connection with any female passenger, shall be guilty of a misdemeanor, and upon conviction, shall be punished by imprisonment for a term not exceeding twelve months, or by a fine not exceeding one thousand dollars: *Provided*, That the subsequent intermarriage of the parties seducing and seduced may be pleaded in bar of a conviction.

SEC. 2. *And be it further enacted*, That neither the officers, seamen, or other persons employed on board of any ship or vessel bringing emigrant passengers to the United States, or any of them, shall visit or frequent any part of such ship or vessel assigned to emigrant passengers, except by the direction or permission of the master or commander of such ship or vessel first made or given for such purpose; and every officer, seaman, or other person employed on board of such ship or vessel, who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall forfeit to the said ship or vessel his wages for the voyage of the said ship or vessel during which the said offense has been committed. Any master or commander who shall direct or permit any officer or seaman or other person employed on board of such ship or vessel, to visit or frequent any part of said ship or vessel assigned to emigrant passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or person employed on board of said ship or vessel, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of fifty dollars for each occasion on which he shall so direct or permit the provisions of this section to be violated by any officer, seaman, or other person employed on board of such ship or vessel.

SEC. 3. *And be it further enacted*, That it shall be the duty of the master or commander of every ship or vessel bringing emigrant passengers to the United States to post a written or printed notice, in the English, French, and German languages, containing the provisions of the second section of this act, in a conspicuous place on the forecastle, and in the several parts of the said ship or vessel assigned to emigrant passengers, and to keep tbe same so posted during the voyage; and upon neglect so to do, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars.

SEC. 4. *And be it further enacted*, That in case of the conviction of any person under the provisions of the first section of this act, and the imposition of a fine, the court sentencing the person so convicted may, in its discretion, by an order to be entered

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on its minutes, direct the amount of the fine, when collected, to be paid for the use or benefit of the female seduced, or her child or children, if any.

SEC. 5. *And be it further enacted*, That no conviction shall be had under the provisions of this act on the testimony of the female seduced uncorroborated by other evidence, nor unless the indictment shall be found within one year after the arrival of the ship or vessel at the port for which she was destined when the offense was committed.

6. ACT OF AUGUST 2, 1882, AS AMENDED BY ACT OF DECEMBER 19, 1908.

AN ACT to Regulate the Carriage of Passengers by Sea.

[Passenger act of August 2, 1882. Original section 1 in italics. Section 1 as amended by act of December 19, 1908, in roman.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for the master of a steamship or other vessel whereon emigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein one hundred cubic feet, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and one hundred and twenty cubic feet for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel; and it shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned. And in sailing-vessels such passengers shall be carried or brought only on the deck (not being an orlop deck) that is next below the main deck of the vessel, or in a poop or deck-house constructed on the main deck; and the compartment or space, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow one hundred and ten cubic feet for each and every passenger brought therein. And such passengers shall not be carried or brought in any between-decks, nor in any compartment, space, poop, or deck-house, the height of which from deck to deck is less than six feet. In computing the number of such passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation. The master of a vessel coming to a port or place in the United States in violation of either of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of passengers other than cabin passengers carried or brought in the vessel, or in any compartment, space, poop, or deck-house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinbefore prescribed, the said master shall be fined fifty dollars for each and every passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

SEC. 1. It shall not be lawful for the master of any vessel whereon steerage passengers have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to or take from any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage, unobstructed by cargo, stores, or goods. The master of a vessel coming to a port or place in the United States in violation of any of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of steerage passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinafter prescribed, the said master shall be fined fifty dollars for each and every such passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

In computing the number of passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation.

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"STEERAGE PASSENGERS."

Second. The expression "steerage passenger" means all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless the space allotted to their exclusive use is in the proportion of at least thirty-six clear superficial feet to each passenger.

DESIGNATION OF DECKS.

Third. The expression "lowest passenger deck" means the deck next below the water line; and the expression "passenger deck" includes every deck or portion of a deck which is above the lowest passenger deck, and is appropriated for passengers.

Fourth. A vessel shall not carry passengers, whether cabin or steerage passengers, on more than one deck below the water line.

Fifth. The height between that part of any deck on which steerage passengers are carried and the deck immediately above it shall not be less than six feet.

Sixth. No steerage passengers shall be carried on the lowest passenger deck unless it is efficiently lighted by side scuttles and otherwise to the satisfaction of the inspector.

SPACE FOR STEERAGE PASSENGERS.

Seventh. No greater number of steerage passengers shall be carried on the lowest passenger deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet allotted to their use. If, however, the height between the lowest passenger deck and the deck immediately above it is less than seven feet, and the apertures, exclusive of side scuttles, through which light and air are admitted are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, no greater number of steerage passengers shall be carried on that deck than in the proportion of one steerage passenger to every thirty clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten.

Eighth. No greater number of steerage passengers may be carried on a passenger deck than in the proportion of one steerage passenger to every eighteen clear superficial feet of deck allotted to their use, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten. If, however, the height between any passenger deck and the deck immediately above it be less than seven feet, no greater number of steerage passengers may be carried on that deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten.

OPEN DECK SPACE.

Ninth. A vessel, whatever be the superficial space of the passenger decks and of the lowest passenger deck, shall not carry a greater number of steerage passengers on the whole than in the proportion of one steerage passenger to every five superficial feet of air or promenade space provided on a deck so open as not to be included in the tonnage and approved by the inspector, and this space shall not be counted or included in the area available for any other passengers, or in other areas for steerage passengers prescribed by this section.

PUBLIC ROOMS AND SLEEPING SPACE.

Tenth. In the measurement of the passenger decks and of the lowest passenger deck, the space occupied by that part of the personal baggage of the steerage passengers which the inspector permits to be carried there shall be included, and also, on whatever deck located, commodious and suitable dining rooms, lounging rooms, smoking rooms, lavatories, toilet rooms, and bath rooms: *Provided*, That—

(a) The space in any place appropriated to the use of steerage passengers in which they sleep shall not be less than eighteen superficial feet in the case of the lowest passenger deck and fifteen superficial feet in the case of a passenger deck.

(b) Each space so included in the measurement must be clearly marked to the satisfaction of the inspector as being exclusively appropriated for the use of the steerage passengers.

Eleventh. Each separate compartment in which steerage passengers are berthed shall be conspicuously marked, showing the total area of such compartments.

SEC. 2. That section forty-two and so much of sections forty-three and forty-four of the act approved February twentieth, nineteen hundred and seven, entitled "An act to regulate the immigration of aliens into the United States," as provides for the repeal of section one of the passenger act of eighteen hundred and eighty-two are hereby repealed.

SEC. 3. That this act shall take effect on January first, nineteen hundred and nine.

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BERTHS—SEPARATION OF THE SEXES.

SEC. 2. That in every such steamship or other vessel there shall be a sufficient number of berths for the proper accommodation as hereinafter provided, of all such passengers. There shall not be on any deck nor in any compartment or space occupied by such passengers more than two tiers of berths. The berths shall be properly constructed, and be separated from each other by partitions, as berths ordinarily are separated, and each berth shall be at least two feet in width and six feet in length; and the interval between the floor or lowest part of the lower tier of berths and the deck beneath them shall not be less than six inches, nor the interval between each tier of berths, and the interval between the uppermost tier and the deck above it, less than two feet six inches; and each berth shall be occupied by not more than one passenger over eight years of age; but double berths of twice the above-mentioned width may be provided, each double berth to be occupied by no more and by none other than two women, or by one woman and two children under the age of eight years, or by husband and wife, or by a man and two of his own children under the age of eight years, or by two men personally acquainted with each other. All the male passengers upwards of fourteen years of age who do not occupy berths with their wifes shall be berthed in the fore part of the vessel, in a compartment divided off from the space or spaces appropriated to the other passengers by a substantial and well-secured bulkhead; and unmarried female passengers shall be berthed in a compartment separated from the spaces occupied by other passengers by a substantial and well-constructed bulkhead, the opening or communication from which to an adjoining passenger space shall be so constructed that it can be closed and secured. Families, however, shall not be separated except with their consent. Each berth shall be numbered serially, on the outside berth-board, according to the number of passengers that may lawfully occupy the berth; and the berths occupied by such passengers shall not be removed or taken down until the expiration of twelve hours from the time of entry, unless previously inspected within a shorter period. For any violation of either of the provisions of this section the master of the vessel shall be liable to a fine of five dollars for each passenger carried or brought on the vessel.

LIGHT AND VENTILATION—WATER-CLOSETS.

SEC. 3. That every such steamship or other vessel shall have adequate provision for affording light and air to the passenger decks and to the compartments and spaces occupied by such passengers, and with adequate means and appliances for ventilating the said compartments and spaces. To compartments having sufficient space for fifty or more of such passengers at least two ventilators, each not less than twelve inches in diameter, shall be provided, one of which ventilators shall be inserted in the forward part of the compartment and the other in the after part thereof, and shall be so constructed as to ventilate the compartment; and additional ventilators shall be provided for each compartment in the proportion of two ventilators for each additional fifty of such passengers carried or brought in the compartment. All ventilators shall be carried at least six feet above the uppermost deck of the vessel, and shall be of the most approved form and construction. In any steamship the ventilating apparatus provided, or any method of ventilation adopted thereon, which has been approved by the proper emigration officers at the port or place from which said vessel was cleared, shall be deemed a compliance with the foregoing provisions; and in all vessels carrying or bringing such passengers there shall be properly constructed hatchways over the compartments or spaces occupied by such passengers, which hatchways shall be properly covered with houses or booby hatches, and the combings or sills of which shall rise at least six inches above the deck; and there shall be proper companion-ways or ladders from each hatchway leading to the compartments or spaces occupied by such passengers; and the said companion-ways or ladders shall be securely constructed, and be provided with hand-rails or strong rope, and, when the weather will permit, such passengers shall have the use of each hatchway situated over the compartments or spaces appropriated to their use; and every vessel carrying or bringing such passengers shall have a properly located and constructed caboose and cooking-range, or other cooking-apparatus, the dimensions and capacity of which shall be sufficient to provide for properly cooking and preparing the food of all such passengers. In every vessel carrying or bringing such passengers there shall be at least two water-closets or privies, and an additional water-closet or privy for every one hundred male passengers on board, for the exclusive use of such male passengers, and an additional water-closet or privy for every fifty female passengers on board, for the exclusive use of the female passengers and young children on board. The aforesaid water-closets and privies shall be properly enclosed and located on each side of the vessel, and shall be separated from passengers' spaces

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by substantial and properly constructed partitions or bulkheads; and the water-closets and privies shall be kept and maintained in a serviceable and cleanly condition throughout the voyage. For any violation of either of the provisions of this section, or for any neglect to conform to the requirements thereof, the master of the vessel shall be liable to a penalty not exceeding two hundred and fifty dollars.

FOOD.

SEC. 4. An allowance of good, wholesome, and proper food, with a reasonable quantity of fresh provisions, which food shall be equal in value to one and a half navy rations of the United States, and of fresh water, not less than four quarts per day, shall be furnished each of such passengers. Three meals shall be served daily, at regular and stated hours, of which hours sufficient notice shall be given. If any such passengers shall at any time during the voyage be put on short allowance for food and water, the master of the vessel shall pay to each passenger three dollars for each and every day the passenger may have been put on short allowance, except in case of accidents, where the captain is obliged to put the passengers on short allowance. Mothers with infants and young children shall be furnished the necessary quantity of wholesome milk or condensed milk for the sustenance of the latter. Tables and seats shall be provided for the use of passengers at regular meals. And for every wilful violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor and shall be fined not more than five hundred dollars and be imprisoned for a term not exceeding six months. The enforcement of this penalty, however, shall not affect the civil responsibility of the master and owners of the vessel to such passengers as may have suffered from any negligence, breach of contract, or default on the part of such master and owners.

HOSPITALS—PHYSICIANS.

SEC. 5. That in every such steamship or other vessel there shall be properly built and secured, or divided off from other spaces, two compartments or spaces to be used exclusively as hospitals for such passengers, one for men and the other for women. The hospitals shall be located in a space not below the deck next below the main deck of the vessel. The hospital spaces shall in no case be less than in the proportion of eighteen clear superficial feet for every fifty such passengers who are carried or brought on the vessel, and such hospitals shall be supplied with proper beds, bedding, and utensils, and be kept so supplied throughout the voyage. And every steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, exceeding fifty in number, shall carry a duly qualified and competent surgeon or medical practitioner, who shall be rated as such in the ship's articles, and who shall be provided with surgical instruments, medical comforts, and medicines proper and necessary for diseases and accidents incident to sea-voyages, and for the proper medical treatment of such passengers during the voyage, and with such articles of food and nourishment as may be proper and necessary for preserving the health of infants and young children; and the services of such surgeon or medical practitioner shall be promptly given, in any case of sickness or disease, to any of the passengers, or to any infant or young child of any such passengers, who may need his services. For a violation of either of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding two hundred and fifty dollars.

DISCIPLINE—CLEANLINESS.

SEC. 6. That the master of every such steamship or other vessel is authorized to maintain good discipline and such habits of cleanliness among such passengers as will tend to the preservation and promotion of health, and to that end he shall cause such regulations as he may adopt for such purpose to be posted up on board the vessel, in a place or places accessible to such passengers, and shall keep the same so posted up during the voyage. The said master shall cause the compartments and spaces provided for, or occupied by, such passengers to be kept at all times in a clean and healthy condition, and to be, as often as may be necessary, disinfected with chloride of lime, or by some other equally efficient disinfectant. Whenever the state of the weather will permit, such passengers and their bedding shall be mustered on deck, and a clear and sufficient space on the main or any upper deck of the vessel shall be set apart, and so kept, for the use and exercise of such passengers during the voyage. For each neglect or violation of any of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding two hundred and fifty dollars.

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SHIP'S COMPANY NOT TO VISIT STEERAGE QUARTERS.

SEC. 7. That neither the officers, seamen, nor other persons employed on any such steamship or other vessel shall visit or frequent any part of the vessel provided or assigned to the use of such passengers, except by the direction or permission of the master of such vessel first made or given for such purpose; and every officer, seaman, or other person employed on board of such vessel who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and may be fined not exceeding one hundred dollars, and be imprisoned not exceeding twenty days, for each violation; and the master of such vessel who directs or permits any officer, seaman, or other person employed on board the vessel to visit or frequent any part of the vessel provided for or assigned to the use of such passengers, or the compartments or spaces occupied by such passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and may be fined not more than one hundred dollars for each time he directs or permits the provisions of this section to be violated. A copy of this section, written or printed in the language or principal languages of the passengers on board, shall, by or under the direction of the master of the vessel, be posted in a conspicuous place on the forecastle and in the several parts of the vessel provided and assigned for the use of such passengers, and in each compartment or space occupied by such passengers, and the same shall be kept so posted during the voyage; and if the said master neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be fined not more than one hundred dollars.

TRANSPORTATION OF EXPLOSIVES AND LIVE STOCK.

SEC. 8. That it shall not be lawful to take, carry, or have on board of any such steamship or other vessel any nitro-glycerine, dynamite, or any other explosive article or compound, nor any vitriol or like acids, nor gunpowder, except for the ship's use, nor any article or number of articles, whether as a cargo or ballast, which, by reason of the nature or quantity or mode of storage thereof, shall, either singly or collectively, be likely to endanger the health or lives of the passengers or the safety of the vessel, and horses, cattle, or other animals taken on board of or brought in any such vessel shall not be carried on any deck below the deck on which passengers are berthed, nor in any compartment in which passengers are berthed, nor in any adjoining compartment except in a vessel built of iron, and of which the compartments are divided off by water-tight bulkheads extending to the upper deck. For every violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned for a period not exceeding one year.

RUNNERS—PASSENGER MANIFEST.

SEC. 9. That it shall not be lawful for the master of any such steamship or other vessel, not in distress, after the arrival of the vessel within any collection district of the United States, to allow any person or persons, except a pilot, officer of the customs, or health officer, agents of the vessel, and consuls, to come on board of the vessel, or to leave the vessel, until the vessel has been taken in charge by an officer of the customs, nor, after charge so taken, without leave of such officer, until all the passengers, with their baggage, have been duly landed from the vessel; * * * . [For passenger manifest, see act of February 9, 1905, following.] For a violation of either of the provisions of this section, or for permitting or neglecting to prevent a violation thereof, the master of the vessel shall be liable to a fine not exceeding one thousand dollars.

[Act of February 9, 1905.]

That in lieu of the list in duplicate of passengers now prescribed by section nine of the act approved August second, eighteen hundred and eighty-two, entitled "An act to regulate the carriage of passengers by sea," the master shall submit for inspection to the officer of customs who first makes demand therefor, and shall subsequently deliver with his manifest of cargo on entry, a correct list, signed and verified on oath by the master, of all passengers taken on board the vessel at any foreign port or place, specifying, in the manner to be prescribed from time to time by the Secretary of Commerce and Labor, the name of each passenger, age (if a child of eight years or under), sex, married or single, location of compartment or space occupied during the voyage (if the passenger be other than a cabin passenger), whether a citizen of the United States, number of pieces of baggage, and if any passenger die on the voyage the list shall specify the name, age, and cause of death of each deceased passenger.

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APPENDIX B.

HEARINGS AND COMMITTEE REPORTS ON STEERAGE LEGISLATION.

1. Hearing before the Immigration Commission in relation to section 42 of the immigration act.
2. Report, Senate Committee on Immigration, on the bill S. 5083.
3. Hearing before the Committee on Immigration and Naturalization, House of Representatives, on the bill S. 5083.
4. Abstract of report, Committee on Immigration and Naturalization, House of Representatives, on the bill S. 5083, with views of the minority.

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APPENDIX B.

HEARINGS AND COMMITTEE REPORTS ON STEERAGE LEGISLATION.

1. HEARING BEFORE THE IMMIGRATION COMMISSION IN RELATION TO SECTION 42 OF THE IMMIGRATION ACT.

WASHINGTON, D. C., *January 18, 1908.*

The Commission met at 10.30 o'clock a. m. in the room of the Senate Committee on Immigration.

Present, Messrs. Dillingham (chairman), Lodge, Latimer, Howell, Bennet, Burnett, Neill, and Jenks.

The CHAIRMAN. Gentlemen, we are ready to proceed.

Statement of S. C. Neale, counsel for the International Mercantile Marine Company.

Mr. NEALE. Mr. Chairman and gentlemen of the Commission, just before the adjournment of Congress last year the immigration bill was passed, and in that act there is a section known as section 42. The object of that section was to give greater space to third-class passengers than had been accorded them under the old passenger act of 1882. As soon as that section was brought to the attention of the steamship companies they realized that it would be greatly to their disadvantage and felt that the section had probably been agreed upon by the conferees and passed by the Congress under a misapprehension of the facts in the case. It was too late then to appear before either a committee of Congress or before the conferees in opposition to the section or in explanation of it. As soon, however, as this Congress met application was made to the Commission for a hearing, and you have courteously allowed us to appear here to-day to point out our objections to the section.

The steamship companies of this country and of Europe, numbering over thirty-five, have appointed Mr. P. A. S. Franklin, vice-president of the International Mercantile Marine Company, who has given all his business life to the steamship trade, to appear before the Commission and to explain to it the exact bearing of section 42. I am sure the Commission will be glad to hear from a gentleman having the practical knowledge that Mr. Franklin possess, and I take great pleasure in presenting him to the Commission.

The CHAIRMAN. We shall be pleased to hear what Mr. Franklin has to say.

Statement of P. A. S. Franklin, vice-president of the International Mercantile Marine Company.

Mr. FRANKLIN. Mr. Chairman and gentlemen of the Commission: We appreciate the opportunity of appearing before you. We should like very much to have section 42 of the act amended to conform more closely to the British Board of Trade regulations, which took effect January 1, 1908. We feel that in adopting section 42 and changing your basis of measurement from cubical to the superficial you based your action to a certain extent on the board of trade regulations as they then existed. The board of trade committee sat for a long time. It was composed of very able men. It gave this matter most careful consideration. The board of trade have now adopted new regulations, which, as I have said, took effect January 1, 1908. We desire to place before you those regulations and to ask you if you can not see your way clear to report something of that kind as an amendment to section 42. Section 42 would create very serious hardship upon the various steamship companies, because it would reduce their carrying capacity of passengers from 25 to 35 per cent, which we hope is a much larger reduction than you wished to make.

The advantages of the British Board of Trade act are that, in the first place, it so clearly defines on what decks passengers may be carried. Instead of the definition which you now have, which is under section 42, that passengers can be carried on the main deck and on two decks below the main deck, but on no other deck, the British Board of Trade clearly defines that passengers can be carried on any deck which can be properly lighted by side ports and efficiently ventilated mechanically or otherwise. In the actual process of the working out of your law it allows the passenger to be carried on practically the same deck that the British Board of Trade regulations do, but it compels the steamship companies to change the construction of their steamers in order to get the right to do that. So adopting the main deck and calling it the main deck is a misnomer, because no two or three experts can agree upon what the main deck of a ship is. The British Board of Trade regulations permit the carriage

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on practically the same deck as your regulations do, but they more clearly define it, so that there is no misunderstanding about it. The shipbuilder in submitting to a steamship company plans for a ship would clearly indicate on what decks under the regulations passengers can be carried.

Mr. LODGE. If you have it there, Mr. Franklin, what is the language of the British regulation on that point?

Mr. FRANKLIN. The language of the British regulation?

Mr. LODGE. I mean the present regulation.

Mr. FRANKLIN. Passengers can be carried on any deck not more than one deck below the water line.

The CHAIRMAN. The lowest passenger deck means the deck next to the water.

Mr. FRANKLIN. Yes. We have the British Board of Trade revised regulations here, and we also have an amendment which we are going to submit to you as our suggestion embodying those British Board of Trade regulations.

Unless you would like to ask me some questions regarding the main deck, the next question is with respect to the spaces. As section 42 stands to-day, it does not give the steamship companies any credit for the comforts which they have provided for third-class passengers in the way of dining rooms, smoke rooms, and general rooms. The British Board of Trade have recognized that, although the companies were doing this for their own reasons, in order to increase their passenger traffic, in order to make it more attractive for passengers to travel by their line instead of some other line, the companies should have an allowance for it. It is a waste of their space. It is space provided for third-class passengers which makes it more comfortable for them than otherwise, because on ships which have no dining rooms, in case of bad weather the passenger has to live and eat in the same room where he sleeps, while on ships which have dining rooms and lounges, and smoke rooms, the women have rooms to themselves, the men have the smoke room, and they have dining rooms where they can all sit down.

Only eight or nine years ago third-class passengers came aboard steamships with their utensils. Now, in many cases they are provided with dining rooms where they are seated and served by stewards. There are published bills of fare, and the passengers are given three meals a day, and an additional supper at night if they want it. We feel that the steamship companies have provided very comfortable accommodations for which, under section 42, they are not given credit, and if section 42 is carried out and the steamship companies have to live up to it they will have to curtail these outside accommodations which they are giving to the passengers. In some cases they will have to carry passengers in the dining rooms instead of leaving those rooms open for the passengers.

Mr. BURNETT. Have all the steamship companies adopted those accommodations?

Mr. FRANKLIN. Not all have dining rooms, but according to our suggestion they will not be given credit for these spaces unless they have them. I will explain that in a moment. There is another point we should like to put before you before we explain the spaces.

The lines running to United States ports are now in direct competition with the lines running to Canadian ports, and if section 42 is insisted upon it will make it very much more attractive to some of the lines to discharge their passengers at Halifax and go down to Portland or Boston for the balance of the business, or go into the St. Lawrence entirely. By doing that they would increase their carrying capacity during the rush season, which lasts only from five to eight weeks.

The difference in the spaces is this: Under your law, section 42, the passengers have to be given in the lowest deck 20 superficial feet per adult. In the upper decks they have to be given 18 superficial feet per adult. You make no allowance whatsoever for the additional comforts that are granted to them and given to them and provided for them. Under the British Board of Trade revised regulations, on the lowest passenger deck the adults have to be given a space of 18 superficial feet each; on the upper passenger decks 15 superficial feet each. But if the ship is fitted with dining rooms, hospitals, and other spaces that can be taken and used by the third-class passengers, they are all taken into the gross measurement, and if a steamer has these accommodations and these spaces available for the use of passengers, then the lower deck space is reduced to 15 superficial feet per adult and the upper deck space to 12 superficial feet per adult. Therefore, unless a steamer provides these accommodations and other spaces it gets no allowance for them. That works out the suggestion Mr. Burnett had in mind. Does that make it clear?

Mr. BURNETT. I understand. Some of the steamers have not adopted these accommodations.

Mr. FRANKLIN. In other words, if the steamer does not have better than the ordinary compartments it does not get any credit, but if she has those spaces for the use of third-class passengers then she gets credit therefor.

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Mr. BURNETT. Is that the law or the custom?

Mr. FRANKLIN. That is the new law which the British Board of Trade has adopted after most careful investigation and consideration by this new committee. It has just gone into effect—January 1, 1908.

As this law has been decided upon and adopted by Great Britain since the adoption of your section 42—and it is evident you had in mind their then existing law you framed section 42—we should like to have you consider so amending section 42 as to conform it to the revised law of Great Britain, which we feel is the best method and the best arrangement, as it more clearly defines the decks on which passengers may be carried and exactly the way they shall be carried. I have here a plan [exhibiting] which shows the modern ship of to-day. The progress in shipbuilding has been so great that when the main deck was decided upon in 1882 as the basic deck for the carriage of third-class passengers ships had possibly only two to three decks. Now they have seven and eight and nine decks. It is an absolutely different proposition. It is impossible to get any three or four technical people to agree upon what is the main deck of a ship. The general construction of that term in the United States is that it is the first deck under a continuous weather deck. The result is that if a steamship company finds that by continuing its decks fore and aft it is going to lose a lower deck for the carriage of third-class passengers, it simply cuts across the deck, and it does not have a continuous deck, and that is the end of it. We say we do not believe you gentlemen want the steamship companies to adopt such methods, and that you would a great deal rather define clearly where passengers shall be carried.

Mr. BENNET. Do you mean it would be possible so to construe the law as to make the lowest deck the first weather deck, and therefore the main deck?

Mr. FRANKLIN. The point is this: Every steamer can not afford to give its upper decks to its third-class passengers. They must reserve those for the first and second class. Every steamer is so designed that it can carry passengers in the lowest deck which can be properly lighted by side ports and efficiently ventilated mechanically or otherwise. They arrange the plans so that that is accomplished. Whether the law shall stand as it is to-day or whether it is amended so as to more clearly define the deck on which passengers can be carried, the result will be the same. Our proposition merely defines more clearly where they can be carried, so that there shall be no argument about it, no question about it. Take the ship whose plans I have here, for example.

The CHAIRMAN. On which deck is that?

Mr. FRANKLIN. This is the upper deck, and this [indicating] is called the middle deck. This [indicating] is called the lower deck.

The CHAIRMAN. I suggest that you specify the decks by name so that the reporter may get them in his notes, instead of saying "here."

Mr. FRANKLIN. We have on the upper deck the smoke room and the general room for women and children.

Mr. JENKS. For third-class passengers?

Mr. FRANKLIN. I am speaking only about third-class passengers. On the middle deck we have two large dining rooms amidships.

Now, if section 42 is insisted upon and literally carried out, you will readily see that during the period when there is a rush, which, as I have said, is only for from five to eight weeks, varying according to the ports, a steamship company will naturally do everything in its power to avoid reducing the efficiency of its ship and it will fit up these rooms [indicating]——

The CHAIRMAN. The dining rooms?

Mr. FRANKLIN. The dining rooms as sleeping accommodations. Now, they would not in this ship use these [indicating] on the upper deck, because these [indicating] would probably equalize the difference in their capacity.

The CHAIRMAN. You mean that the use of the dining rooms would equalize it?

Mr. FRANKLIN. Yes; and as the lines have been advertising for years that they have dining rooms and lounges and smoke rooms they could not get along without them without a great deal of trouble. I do not think it is quite appreciated how anxious the steamship companies are to give their third-class passengers every possible accommodation and every possible comfort that they can. Otherwise they would lose their trade. We are just as anxious to take good care of the third-class passengers as you are to have us do so, because our livelihood is dependent upon it.

Mr. NEILL. The smoke-room space and the space for the women are on the deck in which there are no sleeping quarters?

Mr. FRANKLIN. The deck on which there are no third-class sleeping quarters?

Mr. NEILL. That is what I mean.

Mr. FRANKLIN. I can show you on the plan exactly how it is, if you would like to see it. It is right here.

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Mr. NEILL. If it were not for that, it would be simply an open deck for them to spend the day on?

Mr. FRANKLIN. Either that, or you would run your second-class fittings back there. You would utilize it for something. If you would like to see it we shall be very glad to submit a memorandum of our suggestions with respect to the revision or alteration of section 42.

The CHAIRMAN. We shall be very glad to receive anything that you think would enlighten us on the matter.

Mr. LODGE. It seems to me that your suggestion really involves two propositions. One is that you should be permitted in the calculation of superficial space to make allowance for the space now given to dining rooms.

Mr. FRANKLIN. And the other spaces I have mentioned.

Mr. LODGE. That is one proposition. The other is that the superficial space should be reduced.

Mr. FRANKLIN. Yes, sir. The superficial space should in the first place be reduced.

Mr. LODGE. On the ships that have no dining rooms?

Mr. FRANKLIN. Yes, sir; and the next is that the ships which have those other spaces should be given a further credit for having provided them.

Mr. LODGE. Precisely. I see very clearly the point with regard to allowing for the dining rooms and so on. But, take a ship which has not these accommodations, and why should the space be reduced from 20 to 18 feet?

Mr. FRANKLIN. Because, as far as we are all concerned, the British Board of Trade having gone into this matter very thoroughly, and having decided that that was sufficient space, we have hoped that you gentlemen would take the same view and would not handicap the steamship companies coming to the United States by insisting upon their giving more space than that. It really boils itself down to a commercial problem. Increasing the space would not only hurt the steamship companies during a short period of the year, but, on the other hand, we claim it that it would not sufficiently compensate on the commercial problem as a whole.

Mr. LODGE. How does it compare with the space on the German and Italian and French lines?

Mr. FRANKLIN. Their requirements are not anything like so strict as the requirements we are recommending to you.

Mr. LODGE. That is, they are not so stringent as the British Board of Trade regulations?

Mr. FRANKLIN. No. There are a good many lines that felt that we should ask for materially more than we have asked for, but we all felt that we should merely ask you gentlemen to adopt the British Board of Trade regulations. You all recognize the efficiency of the British administration concerning maritime matters, and we all felt that we would be consistent in this case by adhering absolutely to the British Board of Trade regulations.

Mr. LODGE. If we should adopt the Birtish Board of Trade regulations it would make the American and the English requirements the same?

Mr. FRANKLIN. Yes, sir.

Mr. LATIMER. What effect would that have upon the Italian lines which have already adopted a system?

Mr. FRANKLIN. We have put this suggestion before the Italian lines, and we are authorized to come here and advocate this for them as well as for ourselves.

Mr. LATIMER. Do you mean to say that if we adopt the British Board of Trade plan the Italian plan will be made to conform to it?

Mr. FRANKLIN. No, sir; the Italian plan is guided by the laws of Italy. The Italian lines have to conform to the Italian laws, whether they are carrying east or west bound. Whatever you do here will not make any change in the Italian regulations.

Mr. LATIMER. What would be the effect upon the Italian lines if we were to adopt what you suggest?

Mr. FRANKLIN. The effect would be that the ships going to and fro between here and Italy would carry, in round numbers, about 15 per cent less than they are carrying to-day. That is about it.

Mr. LODGE. What would be the effect on the German lines?

Mr. FRANKLIN. It would be about the same.

Mr. LODGE. It would make a reduction on those lines?

Mr. FRANKLIN. Yes; probably a little more.

Mr. BURNETT. How much would the reduction be as section 42 stands?

Mr. FRANKLIN. We can show you by figures we have here that it will run from 25 to 35 per cent, which is a very serious reduction.

Mr. LODGE. Do you mean 25 to 35 per cent on your lines?

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Mr. FRANKLIN. Yes; as a general proposition, taking all the lines.
Mr. LODGE. The English lines?
Mr. FRANKLIN. The English, German, and Italian.
Mr. LODGE. It would be less with you than with the Italian line?
Mr. FRANKLIN. Take this ship [exhibiting plan]. It would be 28 per cent on this ship.
Mr. LODGE. And more on the German and Italian lines?
Mr. FRANKLIN. Considerably more. On the faster and finer ships it would reduce it more. We have some statistics which we can exhibit, if you would like to have them.
Mr. LATIMER. The English Board of Trade plan would reduce the Italian ships how much?
Mr. FRANKLIN. I should say, roughly speaking, from 10 to 15 per cent; say, about 15 per cent.
Mr. LODGE. You would get rid of that reduction of 28 per cent by using the dining room?
Mr. FRANKLIN. We would eliminate a very large percentage, so we claim, by using the dining rooms, and we might find other spaces that we could use in that way which we now provide for ventilation and otherwise.
Mr. LODGE. You would make up the loss in that way?
Mr. FRANKLIN. We would try to make up the loss as a commercial problem.
Mr. BENNET. I wish to ask you a very frank question and one which has always bothered me. Our law requires the steamers that bring in third-class passengers to bring them in inclosed berths. That is the wording of the navigation law. The Italian law requires the open-section system.
The CHAIRMAN. The dormitory principle.
Mr. BENNET. The dormitory principle, you can call it. As our law applies to all steamers that come into our ports, and as it is impossible for a steamer to change its interior arrangements in mid-ocean, does not every ship that brings third-class passengers from Italy to the United States violate the Italian or the American law to-day?
Mr. FRANKLIN. It is so difficult to get them all to work together that I presume there may be some violations, but I do not think the United States law prohibits our carrying passengers in what we call open steerages.
Mr. BENNET. Yes; it does. The navigation law provides that every ship which brings third-class passengers into the United States shall bring them in inclosed berths. That is the provision of the navigation law.
Mr. FRANKLIN. In inclosed rooms?
Mr. BENNET. In inclosed berths. An "inclosed room;" you could make the whole ship a room.
Mr. FRANKLIN. I do not so understand it. We have never heard of that.
Mr. BENNET. That is the law.
Mr. FRANKLIN. Every ship that comes here has open steerages. Here [indicating on the diagram] they are right before you.
Mr. BENNET. To the forward compartment for the men?
Mr. FRANKLIN. Yes.
Mr. BENNET. That is true.
Mr. FRANKLIN. So far as the Italian trade is concerned we rip out all these [indicating].
Mr. LODGE. Are you quite right about the law, Mr. Bennet?
Mr. BENNET. I think I am.
Mr. LODGE. I will read from the law:
"In every such steamship or other vessel there shall be a sufficient number of berths for the proper accommodation, as hereinafter provided, of all such passengers. There shall not be on any deck nor in any compartment or space occupied by such passengers more than two tiers of berths. The berths shall be properly constructed, and be separated from each other by partitions, as berths ordinarily are separated, and each berth shall be at least two feet in width and six feet in length."
Mr. BENNET. I am a little bit wrong about the language, but it means the same thing. It says that the berths shall "be separated from each other by partitions." The Italian law says the space shall be open and absolutely unobstructed.
Mr. LODGE. What do you mean by "open?"
Mr. BENNET. That there shall be no partition between the berths. Our law says there shall be partitions between the berths.
Mr. FRANKLIN. That has never been construed by any of the authorities as meaning wooden partitions. It means the berth board, which we always have; the little gratings.
Mr. BENNET. That is what I wanted to find out. I have asked everyone that question for the last six months, and this is the first intelligent answer I have had.
Mr. FRANKLIN. If you will look at the berths, you will find that they all have the little railing which comes up about that high [indicating]. That is the separation.
Mr. BENNET. That is what you call the partition?

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Mr. FRANKLIN. It is called the separation.

Mr. LODGE. Are the Italian ships destitute of that?

Mr. FRANKLIN. They have practically the same thing.

Mr. LODGE. Otherwise, the passenger might roll out?

Mr. FRANKLIN. The passenger might roll out, except that we have given them such good ships. If this ship were sent into the Italian trade to-day, all these spaces [indicating], where they are now built in rooms, would be ripped out. They would be fitted like that [indicating]; open steerages. If we were to put this ship into the Italian trade, they would not allow us to compel the Italian passengers to sit down to their meals. You have to serve the meals to them in groups of six as they go by a particular place.

Mr. BENNET. The American law compels you to serve meals on tables, and the Italian law forbids you to do it.

Mr. FRANKLIN. It forbids us to compel them to eat at tables. We furnish tables in a good many cases.

The British Board of Trade regulations, which we now recommend to you, compel us to give each passenger 5 superficial feet on the upper deck for promenade purposes and air. That is something which your regulations do not compel us to give. We claim that there are a good many advantages from the passenger's point of view in the British Board of Trade regulation. It is a complete regulation. It is one that everyone clearly understands. It would put us all on a better basis. We do not feel that it would injuriously affect the immigration situation in the slightest.

Mr. BURNETT. Has it already been adopted?

Mr. FRANKLIN. It went into effect January 1, 1908.

Mr. BURNETT. Ships have been constructed with a view to carrying it out?

Mr. FRANKLIN. Steamships are being so constructed.

Mr. BURNETT. And the others have been changed?

Mr. FRANKLIN. It will require very little modification because they have really been measuring on that basis without the law. As it is now, ships have to be built with a view to the United States regulations as well as the British regulations.

The CHAIRMAN. Without altering the structure of the ships, you think this would operate to reduce the number of passengers that you can now carry?

Mr. FRANKLIN. Section 42 would materially reduce it. I can, if you wish, read to you the admeasurer's figures from New York with respect to a few of the ships.

The CHAIRMAN. I suggest that you put the table in the record.

Mr. FRANKLIN. I will do so.

Comparison sheet and recapitulation of vessels admeasured under the provisions of the act passed February 7, 1907, to take effect January 1, 1909, and the act of August 2, 1882 (now in force), showing the percentage of difference in the number of steerage passengers allowed under the provisions of each act.

Name of vessel.	Cubic feet.	Superficial feet.	Difference.	Per-centage.	Hospital.
British vessels.			*Feet.*		*Feet.*
Majestic	1,232.65	796.36	436.29	35.39	450
Adriatic	2,433.85	1,740.98	692.87	28.46	984
German vessels.					
Kronprinzessin Cecilie	852.51	523.06	329.45	38.64	552
Chemnitz	1,390.96	986.27	404.69	29.09	836
Neckar	2,028.57	1,415.03	613.54	30.24	1,182
Amerika	2,399.23	1,659.27	739.96	30.84	1,802
Graf Waldersee	1,379.44	996.65	382.79	27.74	1,356
Pennsylvania	2,119.07	1,516.74	602.33	28.42	480
Swakopmund	1,324.42	914.97	409.45	30.91	816
Otavi	1,558.87	1,047.88	510.99	32.77	1,009
Kaiser Wilhelm der Grosse	801.46	486.35	315.11	39.31	586
Grosser Kurfuerst	2,261.53	1,593.61	667.92	29.57	988
President Lincoln	4,341.08	3,111.20	1,229.88	28.33	1,891
Kronprinz Wilhelm	752.07	496.67	255.40	33.91	593
Bosnia	1,828.79	1,181.78	647.01	35.37	819
Italian vessels.					
Europa	2,054.62	1,402.81	651.81	31.72	2,204
Louisiana	1,680.98	1,094.10	586.88	34.91	915
San Georgio	1,095.13	730.00	365.13	33.34	2,795
Re di Italia	2,143.82	1,409.20	734.62	34.26	1,000
Regina de Italia	2,154.54	1,415.83	738.71	34.28	264

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Comparison sheet and recapitulation of vessels admeasured under the provisions of the act passed February 7, 1907, to take effect January 1, 1909, and the act of August 2, 1882 (now in force), showing the percentage of difference in the number of steerage passengers allowed under the provisions of each act—Continued.

Name of vessel.	Cubic feet.	Superficial feet.	Difference.	Per-centage.	Hospital.
Russian vessels.			*Feet.*		*Feet.*
Estonia	1,173.74	869.68	304.06	25.90	731
Saratov	1,080.95	759.03	321.92	29.78	1,350
Lituania	1,173.74	869.68	304.06	25.90	731
Livonia	1,132.69	831.79	300.90	26.56	475
Arconia	1,507.69	1,103.44	404.25	26.81	532
Eugenia	1,385.67	994.36	391.31	28.23	1,043
Laura	1,638.73	1,116.58	522.15	31.87	1,664
Total	44,926.80	31,063.32	13,863.48	30.85	.....

I will in this connection submit two other tables:

Recapitulation of vessels admeasured under the act to take effect January 1, 1909, showing the percentage of difference in passengers allowed under each act.

Name of vessel.	Cubic feet.	Superficial feet.	Difference.	Percent-age.
Kronprinz Wilhelm	752.07	496.67	255.40	33.919
Kaiser Wilhelm der Grosser	801.46	486.35	315.11	39.316
Grosser Kurfuest	2,261.53	1,593.61	667.92	29.571
Chemnitz	1,390.96	986.27	404.69	29.094
Neckar	2,028.57	1,415.03	613.54	30.244
Graf Waldersee	1,379.44	996.65	382.79	27.479
Pennsylvania	2,119.07	1,516.74	602.33	28.424
Majestic	1,232.65	796.36	436.29	35.39
Adriatic	2,433.85	1,740.98	692.87	28.468
Otavi	1,558.87	1,047.88	510.99	32.779
Amerika	2,399.23	1,659.27	739.96	30.841
Europa	2,054.62	1,402.81	651.81	31.72
Louisiana	1,680.98	1,094.10	586.88	34.912
Eugenia	1,385.67	994.36	391.31	28.239
Livonia	1,132.69	831.79	300.90	26.563
Total	24,611.66	17,058.87	7,552.79	.....

American steamship St. Paul.—Admeasured under provisions of law to take effect January 1, 1909.

	Cubic feet.	Superficial feet.	Differ-ence.
Main deck.			
Compartment No. 1	110.62	77.73	32.89
Compartment No. 2	145.35	107.39	37.96
Compartment No. 3	67.83	56.33	11.50
Compartment No. 4 (now used for dining room)	.....	.....	.....
Compartment No. 5	106.32	78.10	28.22
	430.12	319.55	[a] 110.57
Between deck.			
Compartment No. 1	54.50	37.56	16.94
Compartment No. 2	137.27	102.30	34.97
Compartment No. 3	179.69	135.01	44.68
Compartment No. 4	135.66	96.99	38.67
	507.12	371.86	[b] 135.26
Main deck	430.12	319.55	110.57
Between deck	507.12	371.86	135.26
Total	937.24	691.41	[c] 245.83

[a] 25.70 per cent. [b] 26.67 per cent. [c] 26.22 per cent.

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Mr. BENNET. Have you there the figures as to the *Moratia*.
Mr. FRANKLIN. I do not see the Greek line.
Mr. BENNET. There is only one ship, but it is a very curious ship.
Mr. LODGE. If you were to use the spaces which under the present law are not allowed for in computing the superficial feet, would you wipe out the 25 per cent reduction which you have cited in the case of the *Adriatic*?
Mr. FRANKLIN. I do not think so. Do you mean if we were to use the available spaces now on the ship?
Mr. LODGE. Yes.
Mr. FRANKLIN. In some ships you might be able to do so materially; you might practically wipe it out; and in others you would not.
Mr. LODGE. Suppose it is allowed for by change of law in accordance with the British regulations, would that wipe out the reduction?
Mr. FRANKLIN. No; but it would about cut the reduction in half.
Mr. LODGE. There would still be a reduction?
Mr. FRANKLIN. There would still be a reduction. It would about cut these figures in half, in our opinion.
Mr. BURNETT. There is nothing in that law to prevent you from doing away with the dining rooms and the smoke rooms?
Mr. FRANKLIN. The only thing is that in case the British regulations were adopted, we would be compensated for them. We really have to have them from a commercial point of view in order to attract passengers to our lines as against other lines. It is competition. Everybody is doing the same thing. We would have to provide some. We could not do away with all of them under any circumstances.
Mr. LODGE. Under the British regulations if you were to use those spaces for immigrants of course you would lose the benefit of them in computing the space. You would lose in the end?
Mr. FRANKLIN. Quite right. You would lose the difference between 15 and 12 superficial feet on your upper decks and the difference between 18 and 15 superficial feet on your lower decks.
Mr. LODGE. If we adopted the British regulations you would gain nothing by using the spaces for immigrants?
Mr. FRANKLIN. No.
Mr. BENNET. Do or do not the British regulations allow any credit for increasing the height between decks?
Mr. FRANKLIN. They give you this credit: They fine you if you have not 7 feet. If you have less than 7 feet, they fine you by increasing the space you have to allow on this deck [indicating] from 18 to 25 superficial feet.
Mr. BENNET. That is the same principle that is found in our law?
Mr. FRANKLIN. The same basis as yours.
Mr. BENNET. Suppose instead of 7 feet you have 9 feet?
Mr. FRANKLIN. You get no credit for it.
Mr. BENNET. Not under the British regulations?
Mr. FRANKLIN. You get no credit for it.
Mr. LODGE. But you must not go below 7 feet?
Mr. FRANKLIN. If you go below 7 feet you are fined. You must not go below 6.
I should like to refer once more to the main feature. Let me show you this plan [exhibiting]. By section 42 we are prohibited from putting the third-class passengers into the most desirable part of the ship. We have some ships running that carry only third-class passengers, and we carry them up on this deck [indicating]. It is absolutely contrary to the law, but it is the best deck on the ship, barring none. It is the deck on which we carry first-class passengers, but by your law we can not use it for third class.
Mr. BENNET. Why?
Mr. FRANKLIN. Because you say on the main deck and two decks below the main deck. You say that these decks [indicating], which are good enough for first and second class passengers, are not good enough for third. On the finest decks on the ship you prohibit our carrying third-class passengers.
Mr. BURNETT. As a matter of fact, you would not carry them there at present prices?
Mr. FRANKLIN. Yes; we do. There are some ships that carry only third class.
Mr. BENNET. That is why I asked you about it.
Mr. BURNETT. Do they have these decks [indicating]?
Mr. FRANKLIN. The whole ship right through.
Mr. BURNETT. They are steerage passengers?
Mr. FRANKLIN. Immigrants. They are the finest ships you ever saw for the carriage of third class. We carry passengers on this deck [indicating], and it is against the law.

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Mr. BURNETT. Against section 42?
Mr. FRANKLIN. Against section 42.
Mr. BENNET. Of existing law?
Mr. FRANKLIN. Of your existing law and of section 42, both. But by the British Board of Trade regulations, which we ask you to adopt, we can carry passengers on all of these upper decks, if we wish to. It is not done except on ships carrying only third-class passengers.
Mr. BENNET. That is why I asked you about the *Moratis*—because they give the upper deck to third-class passengers.
Mr. FRANKLIN. They do it against the law. Instead of everybody trying to construe what the main deck is and compelling the steamship companies to cut their ships in order to bring down the main deck, if you will give us the privilege of carrying right straight through, we will carry on the same deck, but everybody will understand where we do carry, and then we will have the privilege of carrying where we like on those ships, and it will be a much clearer proposition. It will be a clean proposition. Everybody will understand it. As it is now, nobody understands what the main deck is.
Mr. BENNET. I came in late and did not hear the first part of your remarks. How much investigation did the British Board of Trade give to this subject?
Mr. FRANKLIN. They had a very important committee which sat for seven or eight months, and these regulations were adopted on their recommendation.
Mr. BENNET. How much inspection did they give to your particular ships?
Mr. FRANKLIN. I can not answer that. I know they went all over all the ships. They made a very complete study, but I can not reply in detail to your question. We have the proposed bill here.
Mr. JENKS. You say that in the British regulations there is a provision that there shall be 5 superficial feet of deck room, and that there is no provision of that kind in our law?
Mr. FRANKLIN. No, sir.
Mr. JENKS. As a practical matter there is no likelihood of shutting that off. Competition would not permit it?
Mr. FRANKLIN. Competition would make it impossible. You could not do it.
Mr. JENKS. That is what I supposed. So far as that matter is concerned, the British law is a bit of unnecessary regulation.
Mr. FRANKLIN. So far as concerns that particular thing. But if you had a tramp ship it would be unnecessary. That is what we want to bring out. If people who are not depending upon the trade want to fit up a ship for three or four voyages, they could do it without considering these things. We could not, because if we did we would not carry that fellow's brother or sister.
Mr. BENNET. Under our section 42 the space you have allotted to passengers on the upper deck for exercise and so forth—possibly, I do not say so—can be counted as a part of the 18 superficial feet allowed each passenger?
Mr. FRANKLIN. Would you like me to read the bill, or what we suggest as an amendment, or will you have it read by the secretary?
The CHAIRMAN. You may read it.
Mr. NEILL. Before you do that, let me ask you a question. You submitted figures showing a reduction of from 25 to 40 per cent in the available carrying space. Was that a reduction below the actual carrying capacity or a reduction from what it would be on the basis of the British act?
Mr. FRANKLIN. It is the reduction below your present law as compared with section 42. Your present basis is a cubical basis of 100 feet on the upper decks and 120 feet on the lower decks. The figures we have submitted are those of the admeasurer in New York. He has measured the ships for section 42 and finds this difference.
Mr. NEILL. Those figures show how much section 42 would reduce the carrying capacity as compared with the present law?
Mr. FRANKLIN. Yes, sir.
Mr. NEILL. Could you have a computation made showing the reduction section 42 would make as compared with the British act?
Mr. FRANKLIN. Yes; we could have that worked out. It is about 15 to 18 per cent, I should say. It cuts it about in half. That is about the calculation we have worked out. It varies.
Mr. NEILL. It cuts these figures in half?
Mr. FRANKLIN. About in half.
Mr. NEILL. This is the plan of the *Baltic*?
Mr. FRANKLIN. Yes, sir.
Mr. NEILL. I understand you to say it would reduce the carrying capacity of the *Baltic* about 28 per cent?
Mr. FRANKLIN. Right.

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Mr. NEILL. Then it is about 14 per cent above what the British act would reduce it?
Mr. FRANKLIN. Yes.
Mr. NEILL. On what percentage of the trips during the year does the *Baltic* carry over 86 per cent of its carrying capacity of steerage passengers?
Mr. FRANKLIN. I should say it depends upon how she fits in the schedule. If she fits in just right she would get two trips full capacity, but only about two ships in each line would get it, because running four ships in a line two of them would not fit in for the month. Two might just catch two voyages.
Mr. NEILL. Then on all the other voyages this reduction would practically be of no consequence?
Mr. FRANKLIN. It is null and void really, except now that the eastbound is increasing, it would shut people out from going, as it stands to-day. The eastbound during 1907 was two-fifths of the westbound, and then the rush was only during the last six weeks. It did not have time to work itself out, and it is going on now tremendously.
Mr. BENNET. Five hundred and sixty-two thousand third-class passengers left this country in 1907.
Mr. FRANKLIN. And about 1,250,000, in round numbers, came in.
Mr. NEILL. Aside from this question, do the companies keep records of returning steerage passengers?
Mr. FRANKLIN. Oh, absolutely. I can show you them right here.
The CHAIRMAN. The law requires that.
Mr. NEILL. How long have you kept them?
Mr. FRANKLIN. I should say for fifteen years; ten years, anyway. Here are the records [exhibiting] east and west bound from 1893 to 1906. The first two years are for eastbound only.
Mr. NEILL. Are those by age and sex?
Mr. FRANKLIN. No, sir.
Mr. LATIMER. Would you mind running over those figures? I should like to see about what has been the average.
Mr. FRANKLIN. Shall I call the eastbound right down and then the westbound right down, which will show the increase?
Mr. LATIMER. Yes.
The CHAIRMAN. Beginning when?
Mr. FRANKLIN. With 1895.
Mr. BENNET. Why not call the eastbound and westbound for the same year?
Mr. FRANKLIN. All right. For 1893 I have only the eastbound.
This is a table showing the third-class passenger carryings by all lines to all ports the calendar years 1893 and 1894, eastbound only, and 1895 to 1906, inclusive, east and west bound. These figures include Canada and the United States. For 1893 the east-bound were 165,086; for 1894, 210,399. For 1895, westbound, 328,246; eastbound, 154,071; 1896, westbound, 314,426; eastbound, 127,760; 1897, westbound, 240,285; eastbound, 129,482; 1898, westbound, 274,308; eastbound, 124,516; 1899, westbound, 388,911; eastbound, 118,212; 1900, westbound, 507,755; eastbound, 156,320; 1901, westbound, 549,526; eastbound, 142,677; 1902, westbound, 763,730; eastbound, 178,562; 1903, westbound, 894,926; eastbound, 254,220; 1904, westbound, 767,880; eastbound, 374,263; 1905, westbound, 1,010,346; eastbound, 246,480; 1906, westbound, 1,231,146; eastbound, 341,368.
Mr. BURNETT. How many returned in the last two months?
Mr. FRANKLIN. I could not tell you.
Mr. BURNETT. Approximately?
Mr. FRANKLIN. Every ship from about the middle of November, or the first week in November, to the end of the year was full.
Mr. BURNETT. Going east?
Mr. FRANKLIN. Going east.
Mr. LATIMER. Is it going on now?
Mr. FRANKLIN. Now; particularly to the Continent and Italy. The Italian ships have not been absolutely full. The continental ships all have been. The movement so far this year, up to to-day, has been 7,000 coming into the country.
The CHAIRMAN. Since the 1st of January?
Mr. FRANKLIN. Yes. There have come into the country 7,138; there have gone out of the country 30,056—4½ to 1.
Mr. LODGE. Since when?
Mr. FRANKLIN. Since January 1. All of the continental ships eastbound for the past eight weeks have been full; every one of them. The Italians dropped off about the first of the year, but the dropping off about the 1st of January was because the people could not get their money out of the banks.
If you will allow me, I will read this suggested amendment for discussion.
The CHAIRMAN. Will you please insert in the record the tables of statistics you have there?

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Mr. FRANKLIN. Yes, sir.

Mr. LODGE. Give the stenographer everything you would like to have incorporated in the report.

The tables referred to are as follows:

JANUARY 17, 1908.

Total number second and third class passengers, United States and Canadian ports, reported 1908, as compared with 1907, same period.

	West.		East.	
	II.	III.	II.	III.
1908	1,356	7,138	2,743	30,056
1907	1,171	12,397	1,537	9,476
	185	[a] 5,259	[b] 1,206	[c] 20,580

[a] 40 per cent decrease. [b] 75 per cent increase 1908. [c] 200 per cent increase 1908.

We include II cabin because the increase indicates the movement to Europe of well-to-do aliens.

Totals, 1907, all ports United States and Canada, as compared with 1906.

	III.	
	West.	East.
1907	1,379,289	[a] 557,223
1906	1,231,146	341,368
Increase, 1907	148,143	215,865

[a] Of which 486,000 left New York alone.

THE TRANS-ATLANTIC PASSENGER CONFERENCE,
New York, January 17, 1908.

No. 748.

Report of cabin, second cabin, and steerage passengers.

WESTBOUND.

Steamer.	Date of arrival.	I.	II.	III.	From—
Empress of Britain (St. Johns)	Jan. 4	28	119	152	Liverpool.
Marquette (Philadelphia)	.....	(a)	(a)	(a)	
Carthaginian (Boston)	.....	(a)	(a)	(a)	
Philadelphia	Jan. 4	45	34	103	Southampton.
Furnessia	Jan. 7	2	38	153	Glasgow.
Algeria	...do....	3	.....	168	Mediterranean.
Lusitania	Jan. 3	248	190	643	Liverpool.
Alcides (St. Johns)	Jan. 5	.....	3	.....	Glasgow.
Patricia	Jan. 4	43	51	690	Hamburg.
Prinzess Irene	Jan. 2	25	83	411	Mediterranean.
Estonia	...do....	.....	11	247	Libau.
Canopic (Boston)	Jan. 3	47	51	455	Mediterranean.
Oceanic	Jan. 8	117	62	43	Southampton.
Moskva	Jan. 9	.....	13	472	Libau.
Carmania	Jan. 13	146	142	268	Mediterranean.
La Lorraine	Jan. 11	51	82	212	Havre.
Seydlitz	Jan. 8	.....	54	137	Bremen.
Minnehaha	Jan. 4	10	.....	.....	London.
Cassel (Baltimore)	Jan. 5	.....	27	281	Bremen.
Frankfurt (Baltimore)	Jan. 11	.....	12	178	Do.
Manitou (Boston)	Jan. 14	.....	15	.....	Antwerp.
Sannio	Jan. 8	.....	8	153	Mediterranean.
Vaderland	Jan. 7	13	60	190	Antwerp.
Total	.....	778	1,055	4,956	

[a] See Report 747.

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EASTBOUND.

Steamer.	Date of departure.	I.	II.	III.	Government returned.	For—
Empress of Britain (St. Johns)	Jan. 10	76	101	842	.....	Liverpool.
Marquette (Philadelphia)	...do.....	.....	8	.....	.....	Antwerp.
Carthaginian (Boston)	Jan. 11	.....	4	17	.....	Glasgow.
Philadelphia	...do.....	67	52	648	4	Southampton.[b]
Furnessia	...do.....	3	57	249	4	Glasgow.
Algeria	...do.....	1	.....	879	11	Mediterranean.
Lusitania	...do.....	313	255	1,160	13	Liverpool.
Alcides (St. Johns)	...do.....	.....	2	.....	.....	Glasgow.
Patricia	...do.....	31	92	646	16	Hamburg.
Prinzess Irene	...do.....	86	55	789	2	Mediterranean.
Estonia	...do.....	.....	3	500	13	Libau.
Canopic (Boston)	...do.....	117	24	803	5	Mediterranean.[c]
Oceanic	Jan. 15	164	109	1,030	.....	Southampton.[d]
Moskva	...do.....	.....	13	1,142	2	Libau.
Carmania	Jan. 16	386	52	2,376	4	Mediterranean.[e]
La Lorraine	...do.....	92	161	810	11	Havre.[f]
Seydlitz	...do.....	.....	42	740	11	Bremen.
Minnehaha	.....	.....	.....	.....	.....	
Cassal (Baltimore)	.....	.....	.....	.....	.....	
Frankfurt (Baltimore)	.....	.....	.....	.....	.....	
Manitou (Boston)	.....	.....	.....	.....	.....	
Sannio	Jan. 15	.....	36	933	3	Mediterranean.
Vaderland	...do.....	3	131	1,325	2	Antwerp.
Total	.....	1,339	1,197	14,889	101	

[b] Philadelphia, eastbound steerage divided 361 Italian, 287 British, etc.
[c] Canopic, westbound steerage divided 276 Italian, 179 Azores; eastbound steerage divided 672 Italian, 131 Azores.
[d] Oceanic, eastbound steerage divided 55 Italian, 975 British, etc.
[e] Carmania, eastbound steerage divided 534 Italian, 1,842 continental.
[f] La Lorraine, eastbound steerage divided 449 Italian, 361 continental.

AGGREGATE.

	Westbound.			Eastbound.			Government returned.
	I.	II.	III.	I.	II.	III.	
Aggregate 1908	908	1,356	7,138	3,093	2,743	30,056	229
Aggregate 1907	362	1,171	12,397	2,594	1,537	9,476	194
1908	+546	+185	−5,259	+499	+1,206	+20,580	+35

Mr. BURNETT. In that connection, have you anything showing the amount of money which returning immigrants carried with them per capita?

Mr. FRANKLIN. No; there have been a lot of calculations made, but no one can tell. Some of the immigrants carry it around them in belts; others have gold; and you can not tell anything about it. Then they spend a lot of money before they get off. They come down thinking they will buy third-class tickets, but they buy second-class tickets, because there are no accommodations for them in the third class.

Mr. BURNETT. Is that due to the fact that there is no room for them, or that the third-class accommodations are not good enough for them?

Mr. FRANKLIN. Because the steamers could not accommodate them on account of the rush to the Continent, it has been so great. Then, again, they have plenty of money. It is not like when they come over.

Mr. LATIMER. It has been a great thing for the steamship companies?

Mr. FRANKLIN. It has been. The westbound business would break them. We had the *Arabic* sail yesterday from the other side, and she carried only 90 third-class passengers. Ordinarily she never thinks of going with less than 300. The eastbound traffic is making up for the losses westbound. We have to make it in some way or other, or we would go out of business.

This is the suggested amendment:

"*In a steamship.*—(1) Passengers shall not be carried on any deck below the deck which is next below the water line, which, for purposes of this act, is designated the lowest passenger deck."

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As I have explained to you, that really does not change the location in which the third-class passengers are to be carried. It only more clearly defines it. That is the only difference.

Mr. BENNET. Are all these amendments in strict accordance with the British Board of Trade regulations?

Mr. FRANKLIN. Strictly in accordance with the British Board of Trade regulations In every way they are absolutely consistent with the Board of Trade regulations.

Mr. LODGE. And are almost in the same words?

Mr. FRANKLIN. Almost. We have used as closely as we could the same words. We have avoided putting in anything extraneous. There have been a lot of suggestions to put in additional things, but we have said we would not consider them. I read again from the proposed amendment:

"No greater number of steerage passengers may be carried on the lowest passenger deck than in the proportion of one statute adult to every 18 clear superficial feet of deck allotted to their use; and

"No greater number of steerage passengers may be carried on a passenger deck than in the proportion of one statute adult to every 15 clear superficial feet of deck allotted to their use.

"*Provided*, That if the height between the lowest passenger deck and the deck immediately above it is less than 7 feet, and the aperatures, exclusive of side scuttles, through which light and air are admitted are less in size than in the proportion of 3 square feet to every 100 superficial feet of that deck, no greater number of passengers shall be carried on that deck than in the proportion of one statute adult to every 25 clear superficial feet thereof, and passengers shall not be carried on the lowest passenger deck unless it be efficiently lighted."

That is where the penalty comes in for not having 7 feet high space.

"*Provided further*, That a steamship under this act, whatever be the superficial space of the passenger decks and of the lowest passenger deck, shall not carry a greater number of steerage passengers on the whole than in the proportion of one statute adult to every 5 superficial feet of air or promenade space provided on a deck so open as not to be included in the tonnage and this space shall not be counted or included in the area available for any other passengers."

Mr. BENNET. Would you mind reading that again? I did not quite grasp it.

Mr. FRANKLIN. This is the upper deck; the air space.

Mr. LODGE. That is for the deck space?

Mr. FRANKLIN. For the deck space. We have the British regulations here on this sheet, if you would like to see them.

Mr. LODGE. I have just given a copy to Mr. Bennet.

Mr. BENNET. Now you need not read it. I can read it.

Mr. LODGE. I suggest that the English Board of Trade regulations be printed with the report of this hearing.

The CHAIRMAN. That is a good suggestion.

Mr. BENNET. That is something we have not in our law?

Mr. FRANKLIN. No; you have not.

Mr. LODGE. It is a very good provision.

Mr. FRANKLIN. It is a very excellent provision. As Mr. Jenks clearly pointed out, so far as the regular lines are concerned, competition would make you give it, but for the outside trade it is a very good thing. If a man wanted to rush into the trade——

Mr. BENNET. But a man does not rush hurriedly into the Italian trade?

Mr. FRANKLIN. He does if it is good.

Mr. BENNET. But he could not get in under the Italian regulations.

Mr. FRANKLIN. I read further from the proposed amendment:

"*Provided further*, That in the measurement of the passenger decks and the lowest passenger deck, the space occupied by the personal luggage of the steerage passengers which is carried there shall be included, and also any space occupied by public rooms, lavatories, and bathrooms exclusively appropriated to the use of the steerage passengers; but the space in any place appropriated to the use of steerage passengers in which they sleep shall not be less than 15 superficial feet in the case of the lowest passenger deck, and 12 superficial feet in the case of a passenger deck—

The upper passenger decks.

These gentlemen have reminded me of an example I gave them yesterday when we were discussing this matter which I have not brought out to-day, and that is this: If it were a question of occupying a very small hall bedroom for sleeping purposes, with a lounging room nearby or attached, which one had the privilege of using, or occupying a slightly larger hall bedroom in which one had to spend his entire time, one would choose, no doubt, the room giving him the privilege of the lounging room. That is just our point.

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Mr BENNET. Mr. Franklin, while you are on your feet, what do you think of the regulation or law that the Italians have in relation to the speed of vessels; the number of days they are to be at sea, with reference to carrying third-class passengers?

Mr. FRANKLIN. I think it is a good thing to have people take sufficient interest in seeing that immigrants are not put on ships of the speed of 8 or 9 knots, or something of that kind. However, it is a matter which competition will regulate entirely.

Mr. BENNET. There are ships sailing from German ports which take sixteen, seventeen, and eighteen days to cross the Atlantic?

Mr. FRANKLIN. Yes, sir.

Mr. BENNET. What do you think of a proposition to penalize long voyages like that?

Mr. FRANKLIN. The only basis would be to say that a ship carrying third-class passengers must have a steaming capacity of so many knots. I myself think it is an absolutely unnecessary regulation.

Mr. BENNET. What do you think would regulate it in time?

Mr. FRANKLIN. Oh, competition will settle it. People will not travel on slower steamers except in the short hurry season.

Mr. BURNETT. It would be a very unhealthy voyage?

Mr. FRANKLIN. A very healthy voyage.

Mr. BURNETT. For that length of time?

Mr. FRANKLIN. Yes, sir. When I go myself I always go on the slowest ship.

Mr. BENNET. But you do not travel third class.

Mr. FRANKLIN. The passengers have never been more comfortable. They do not want to get off. Half of the third class who embark do not know how to eat with their knives and forks. The plan of having their women and children sit down and have a steward bring them three meals a day and supper at night is something they never heard of. We had a letter, a most interesting one, which we read yesterday, from a passenger describing a trip.

Mr. BENNET. I agree with you that from the southern ports there are thousands of people coming who have never in their lives eaten such food as they get on the steamers.

Mr. FRANKLIN. And have never been so comfortable.

Mr. BURNETT. But it would seem that keeping them congested so long would not be healthy.

Mr. FRANKLIN. You might say it is less healthy——

Mr. BURNETT. That is the question I asked you, and understood you to say that it was not less healthy.

Mr. FRANKLIN. From a sanitary standpoint you may say it is not healthy, but the passengers get a lot of rest and air. You must remember, too, that on the slower ships they get more air space. They get up on the decks. Those vessels do not carry first and second class passengers.

Mr. BENNET. Did the British Board of Trade go into the question of speed?

Mr. FRANKLIN. Not at all.

The CHAIRMAN. Are there any further questions that any gentleman desires to ask Mr. Franklin? [A pause.] If not, are there any others who desire to be heard?

Mr. NEALE. Not at present. Probably a little later on Mr. Spalding, of Boston, would like to make a few observations.

Mr. FRANKLIN (to Mr. Latimer). Have I made clear the point you asked me about the space?

Mr. LATIMER. I think so.

Mr. BURNETT. What is the British law with regard to the fine? Do they fine you for each trip you make when you do not comply with the law?

Mr. FRANKLIN. Yes; the captain would be fined each trip.

Mr. BURNETT. Not for each passenger?

Mr. FRANKLIN. I do not think it is based——

Mr. LAWSON SANFORD. He is liable to a fine of not exceeding £500.

Mr. FRANKLIN. You probably misunderstood me when I used the word "fine." If you do not provide these accommodations or do not have certain openings in the side, you would be fined by being compelled to give the passenger more space. The word was improperly used. When you asked me the question, I thought you referred to fines directly imposed upon the steamship companies.

Mr. BURNETT. I understood from your remarks that there were actual fines.

Mr. FRANKLIN. No; you are penalized by being required to give more space.

Mr. BENNET. Suppose you attempted to start out of a British port without having complied with the British Board of Trade regulations, would you get out?

Mr. FRANKLIN. You would not get your clearance.

Mr. BENNET. You would stay in port until you complied with the law?

Mr. FRANKLIN. Yes.

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Mr. BENNET. A most effective fine.

Mr. BURNETT. I thought it was a fine, and then they would let the ship leave.

Mr. FRANKLIN. There is no way to do that. They would hold you. The penalty that you would have to pay would be in additional accommodations.

Mr. BENNET. The real penalty is that unless the ship complies with the British Board of Trade regulations it could not get out of the port?

Mr. FRANKLIN. It could not leave.

Mr. BENNET. That is rather an effective penalty. It makes you comply with the law.

Mr. BURNETT. It is better than an actual penalty.

Mr. FRANKLIN. But the important point is that we feel that the British Board of Trade regulation is very much better.

Mr. LATIMER. As I understand, the regulations of the British Board of Trade are more liberal than the Italian requirements; and if you conform to the regulations of the British Board of Trade, you will also have conformed to the Italian. So, if you were carrying from Italian ports, it would not restrict you.

Mr. FRANKLIN. So far as the actual space is concerned, that is true. But the Italian laws compel you to do certain things that no other laws do. They compel you to carry a commissioner who looks after the welfare of the passengers. They compel you to do certain things with respect to the passengers' food that other laws do not. So, if you adopt the British Board of Trade regulations, you do not touch these features of the Italian law at all.

Mr. LATIMER. The thought I had in my mind was that if we could get some legislation—I do not know how we would go about it, probably by international agreement, if it is of sufficient importance to the different nations to do that—we could regulate this matter so that our laws would be uniform. It would save a great deal of annoyance in the construction of ships.

Mr. FRANKLIN. It would be a material convenience to the steamship companies in every way, because you would understand when you were building a ship for one trade that she could go into any trade. If you are now building a ship for one trade, you have to consider the requirements as to that particular trade and governing it; and when you want to transfer the ship to some other trade you have to see what the laws and the regulations are with a view to the alterations that you may have to make in the ship. Such an arrangement would be of very great assistance, and adopting these regulations would be a very great step in that direction, because then the two great countries would be on the same basis in that respect.

Mr. LATIMER. That is the point I have reference to. If this rule or law is more liberal than that of the Italian Government——

Mr. FRANKLIN. Yes, sir.

Mr. LATIMER. Then you would not be restricted by the Italian Government?

Mr. FRANKLIN. No; we would only have to put in other little things that all do not amount to very much. It would do away with trying to describe the main deck.

If you would like to see them, we have here some of the bills of fare which we are compelled to give these people; or, rather, we give them to advertise. Barring that, I do not think there is much more for me to say, unless some of the gentlemen desire to propound questions, to which I shall be only too glad to endeavor to reply.

The CHAIRMAN. It does not pertain to the subject under consideration, but as a matter of information it may be well to put them in the record.

Mr. FRANKLIN. Here is the bill of fare of the White Star Line.

The bill of fare referred to is as follows:

THIRD-CLASS BILL OF FARE.

Breakfast.—Sunday: Quaker oats and milk, smoked herrings and jacket potatoes, boiled eggs, fresh bread, butter, marmalade, Swedish bread, tea and coffee.

Monday: Oatmeal porridge and milk, Irish stew, broiled sausages, fresh bread, butter, marmalade, Swedish bread, tea and coffee.

Tuesday: Oatmeal porridge and milk, ling fish, egg sauce, fried tripe and onions, jacket potatoes, fresh bread and butter, marmalade, Swedish bread, tea and coffee.

Wednesday: Quaker oats and milk, smoked herrings, beefsteak and onions, jacket potatoes, fresh bread and butter, marmalade, Swedish bread, tea and coffee.

Thursday: Oatmeal porridge and milk, liver and bacon, Irish stew, fresh bread and butter, marmalade, Swedish bread, tea and coffee.

Friday: Quaker oats and milk, smoked herrings, jacket potatoes, curried beef and rice, fresh bread and butter, marmalade, Swedish bread, tea and coffee.

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Saturday: Oatmeal porridge and milk, vegetable stew, fried tripe and onions, fresh bread and butter, marmalade, Swedish bread, tea and coffee.

Dinner.—Sunday: Vegetable soup, roast pork, sage and onions, green peas, boiled potatoes, cabin biscuits, fresh bread, plum pudding, sweet sauce, oranges.

Monday: Barley broth, beefsteak and kidney pie, carrots and turnips, boiled potatoes, cabin biscuits, fresh bread, stewed apples and rice.

Tuesday: Pea soup, fricassee rabbit and bacon, Lima beans, boiled potatoes, cabin biscuits, fresh bread, Semolina pudding, apples.

Wednesday: Rice soup, corned beef and cabbage, boiled potatoes, cabin biscuits, fresh bread, peaches and rice.

Thursday: Vegetable soup, boiled mutton and caper sauce, green peas, boiled potatoes, cabin biscuits, fresh bread, plum pudding, sweet sauce.

Friday: Pea soup, ling fish and egg sauce, cold beef and pickles, cabbage, boiled potatoes, cabin biscuits, fresh bread, cerealine pudding, oranges.

Saturday: Bouilli soup, roast beef and brown gravy, Lima beans, boiled potatoes, cabin biscuits, fresh bread, prunes and rice.

Tea.—Sunday: Ragout of beef, potatoes and pickles, apricots, fresh bread, butter, currant buns, tea.

Monday: Curried mutton and rice, cheese and pickles, fresh bread and butter, damson jam, Swedish bread, tea.

Tuesday: Harricot mutton, pickles, prunes and rice, fresh bread and butter, Swedish bread, tea.

Wednesday: Brawn, cheese and pickles, fresh bread and butter, rhubarb jam, currant buns, tea.

Thursday: Sausage and mashed potatoes, dry hash, apples and rice, fresh bread and butter, Swedish bread, tea.

Friday: Codfish cakes, cheese and pickles, fresh bread and butter, plum and apple jam, Swedish bread, tea.

Saturday: Rabbit pie, baked potatoes, fresh bread and butter, rhubarb and ginger jam, Swedish bread, tea.

Supper.—Every day: Cabin biscuits and cheese, gruel. Fresh fish served as substitute for salt fish as opportunity offers.

NOTE.—The bill of fare may be slightly altered should circumstances require it.

Mr. FRANKLIN. Here is the bill of fare of the American Line.

The bill of fare referred to is as follows:

IMPROVED THIRD-CLASS BILL OF FARE.

Breakfast.—Sunday: Porridge and milk, smoked herrings, jacket potatoes, boiled eggs, tea and coffee with milk, fresh and Swedish bread, butter, jam or marmalade.

Monday: Porridge and milk, fried liver and bacon, potatoes, fresh and Swedish bread, butter, marmalade or jam, tea and coffee with milk.

Tuesday: Hominy and milk, creamed salt cod, curried beef and rice, potatoes, fresh and Swedish bread, butter, jam or marmalade, tea and coffee with milk.

Wednesday: Porridge and milk, salt herrings, ham and eggs, fresh and Swedish bread, butter, marmalade or jam, tea and coffee with milk.

Thursday: Porridge and sirup, broiled sausage, Irish stew, fresh and Swedish bread, jam or marmalade, tea and coffee with milk.

Friday: Porridge and milk, picked-up codfish, stewed tripe and onions, potatoes, fresh and Swedish bread, butter, marmalade or jam, tea and coffee with milk.

Saturday: Hominy or flaked wheat and milk, beefsteak and onions, jacket potatoes, fresh and Swedish bread, butter, jam or marmalade, tea and coffee with milk.

Dinner.—Sunday: Rice soup, roast beef with gravy, peeled potatoes, green corn, fresh bread, biscuits, plum pudding with sauce, fresh fruit.

Monday: Julienne soup, steak and kidney pie, potatoes, stewed tomatoes, fresh bread, biscuits, bread and butter pudding.

Tuesday: Pea soup, corned beef, cabbage, peeled potatoes, fresh bread, biscuits, sago pudding, fresh fruit.

Wednesday: Macaroni soup, roast pork, sage and onions, turnips, potatoes, fresh bread, biscuits, stewed prunes and rice.

Thursday: Barley soup, beef à la mode, Lima beans, potatoes, fresh bread, biscuits, rice pudding, fresh fruit.

Friday: Pea soup, ling fish, egg sauce, hot pot, green peas, peeled potatoes, fresh bread, biscuits, stewed apples and rice.

Saturday: Vegetable soup, boiled mutton with caper sauce, turnips, potatoes, fresh bread, biscuits, cerealine pudding.

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Tea.—Sunday: Cold beef, pickles, cheese, fresh bread, butter, tea, stewed figs and rice.

Monday: Curried mutton and rice, fresh and Swedish bread, butter, currant buns, marmalade or jam, tea.

Tuesday: Pork and beans, fresh bread, butter, stewed apples and rice, tea.

Wednesday: Cold corned beef, pickles, fresh and Swedish bread, currant buns, butter, jam or marmalade, tea.

Thursday: Cold roast pork, brawn, fresh bread, butter, stewed apricots and rice, tea.

Friday: Smoked herrings, curry and rice, fresh and Swedish bread, butter, tea, marmalade or jam.

Saturday: Corned beef hash, fresh bread, rock cakes, butter, stewed rhubarb and rice, tea.

Supper.—Every night: Cheese, biscuits, and gruel.

Mr. LODGE. Does any member of the commission desire to ask Mr. Franklin anything further? [A pause.] That is all, Mr. Franklin.

Mr. FRANKLIN. I appreciate the time you have given me. I hope you gentlemen will realize the seriousness of this matter from our point of view.

Mr. LODGE. You have made a very clear statement.

Mr. FRANKLIN. Thank you, sir.

Mr. LODGE. Mr. Chamberlain, the Commissioner of Navigation, is present. I, and I am sure the rest of the commission, will be glad to hear from him with regard to the matter of computing air space.

Statement of Eugene Tyler Chamberlain, Commissioner of Navigation.

Mr. CHAMBERLAIN. Mr. Chairman and gentlemen, I did not expect to be called on to make any statement formally, but there are a few matters I should like to have the opportunity to bring to the individual attention of the members of the commission, and perhaps this is the briefest way to do it.

As you all know, in 1882, when the passenger act was passed, such matters as dining rooms, bathrooms, smoking rooms, music rooms, and all those general spaces that are now allotted to the use of third-class passengers did not exist. There was not anything of the kind, and of course the law did not provide for them. Those increased accommodations have all developed since the passage of that act. That fact was not overlooked by the conference committee, but, as you are all aware, the consideration of section 42 was necessarily very brief.

The hospitals, however, were provided for in the act of 1882. It was a question whether the hospital space should be included in the minimum cubic feet then allowed—100 cubic feet. The customs officers at that time construed the law so as to exclude the hospital space—that the 100 cubic feet prescribed should be 100 cubic feet to sleep in. That question was carried to the United States circuit court, and I have here a letter addressed by Mr. Root to the collector of customs which I should like to read in order that it may appear in the record:

OFFICE UNITED STATES ATTORNEY,
SOUTHERN DISTRICT OF NEW YORK,
May 27, 1885.

SIR: Upon the appeal of Ludwig Kersal, master of the German steamer *Polonia*, whose case was reported by you to this office June 5, 1884, and who was convicted in October, 1884, of violating section 1 of the passenger act of 1882, the circuit court yesterday set aside the verdict upon the ground that evidence of the dimensions of the hospitals should have been admitted and such dimensions should have been taken into account in the computation of space allotted to passengers. This construction of the statute requires upon the part of the inspector of measurements of vessels a modification of his method hitherto pursued.

Very respectfully,

ELIHU ROOT,
United States Attorney.

Hon. W. B. ROBERTSON,
Collector, etc.

That is very clear so far as the hospital space is concerned, but in administering the law we are considerably in doubt whether the dining-room space, the lavatories, the smoking rooms, music rooms, and all the other rooms should be included or not.

Mr. LODGE. Under the law as it now stands?

Mr. CHAMBERLAIN. Under the law as it now stands. It is the practice of collectors to cut the spaces out; not to count them; to take the hundred cubic feet as meaning 100 cubic feet for sleeping and no other purpose. Our prime interest in the matter is that there shall be clarity of the law.

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Second, the obvious propriety of encouraging in every way possible accommodations of this kind I think does not need more than the bald statement.

Mr. BENNET. Mr. Chamberlain, I should like to ask one or two questions. I do not find it right at the moment, but there is a provision in the navigation law that every ship leaving the United States carrying third-class passengers shall provide sufficient tables.

Mr. CHAMBERLAIN. You have the act of 1882?

Mr. BENNET. Yes.

Mr. CHAMBERLAIN. If you will turn to page 3, section 4, about six lines from the bottom of that section you will find that the law says that tables and seats shall be provided for the use of passengers at regular meals, but it says nothing about rooms, there is nothing about dining rooms.

Mr. BENNET. I know. But when you go on a ship which has, you may say, 600 third-class passengers and one table about 8 feet long, I should like to know how that ship gets out of the United States; how does it get clearance?

Mr. CHAMBERLAIN. I do not recall any case of precisely that kind.

Mr. BENNET. I have been on such ships.

Mr. CHAMBERLAIN. All right. The collector of customs would be an admirable authority to whom to refer your question. The clearance is refused by the collector of customs, and not from Washington.

Mr. BENNET. Now, another question. Our law provides that the hospitals shall be on the side of the ship.

Mr. CHAMBERLAIN. Yes.

Mr. BENNET. How does a ship carrying third-class passengers, which has all its hospitals and all its urinals and everything of that kind in the middle of the ship get in and out of our ports without question?

Mr. CHAMBERLAIN. Is there such a ship?

Mr. BENNET. Yes.

Mr. CHAMBERLAIN. Has it been brought to the attention of the collector of customs?

Mr. BENNET. I do not know. It is the *Florida*.

Mr. BURNETT. Should he not know that?

Mr. CHAMBERLAIN. Of course he should know it.

Mr. FRANKLIN. They are all inspected.

Mr. CHAMBERLAIN. You rather surprise me.

Mr. BENNET. I am giving you the name of the ship.

Mr. CHAMBERLAIN. Of course we will look into it.

Mr. BENNET. That is not the only ship. Then this other question——

Mr. CHAMBERLAIN. May I interrupt you for one minute?

Mr. BENNET. Yes.

Mr. CHAMBERLAIN. We have cases of violations of different details of the law reported by the collectors of customs; I should say perhaps there may be fifty or sixty in the course of a year; that is on the Pacific coast and the Atlantic coast and the Gulf coast. I would not undertake to say how many. It is possible that the *Florida* may be a reported case. I do not recall it.

Mr. NEILL. Why does the collector report the case instead of refusing clearance? Does he allow the vessel to sail and then report it?

Mr. CHAMBERLAIN. Sometimes they do take a bond and let the vessel clear; that is, a vessel in a regular line.

Mr. BENNET. What interested me in that ship was that it was a brand-new ship built for the purpose, and I should like to know how they would dare to commit such a gross violation of the law.

Mr. LODGE. They would not if the collector enforced the law.

Mr. BENNET. Every ship sailing from an Italian port has the open compartment system, which is simply a bulkhead at either end of the compartment, with no partition whatever between the berths. In your judgment, does that comply with our law?

Mr. CHAMBERLAIN. They have a rail, do they not—a narrow board. That is what partition means.

Mr. BENNET. Is that what you call the partition?

Mr. CHAMBERLAIN. That is how it is always construed.

Mr. BURNETT. It is something to keep the passengers from rolling out?

Mr. CHAMBERLAIN. Yes; the berths are built like this [indicating], with an alley on this side [indicating], and one on that, and the berth board or partition is to keep that berth from this berth. It is not built up. It is not what you call the dormitory system. There are relatively few ships with the dormitory system all the way through. Some ships have the dormitory system in part, namely, for the use of families and women; but when you come to single men, although I would rather you would take the judgment of those in the business on that point, I venture to say there are practically no ships with the state-room system for unmarried men.

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Mr. BENNETT. Apparently the law permits that?

Mr. CHAMBERLAIN. Undoubtedly.

Mr. FRANKLIN. It is an uncommonly good way to carry them, because if the men get into their rooms—I came on the sister ship to this—they lock themselves in and it is very difficult to get them out. In that case they had to break a door open.

Mr. BENNET. I agree with you that for single men the system is a very good one. But the question is how can the companies run the ships and not comply with the law?

Mr. FRANKLIN. The system is a most excellent one. It is a great deal better than if we put in partitions between them.

Mr. BENNET. Take the American Line ships. In the third class they have four and six berths in a little compartment?

Mr. FRANKLIN. Yes.

Mr. BENNETT. Inclosed, except for the lack of a door?

Mr. FRANKLIN. Yes.

Mr. BENNET. Do you mean to say you draw no distinction between an absolute partition extending from the floor to the deck above and the little board that is between the berths? Do you call both partitions?

Mr. FRANKLIN. That is what we call a closed-in room. In the olden days they would put five or six people in one berth. The regulations now prohibit the companies from carrying more than one person in a berth, and they provide that they shall be separated. This is the separation which everybody has accepted. It is the regular berth, the Hodgkins berth, they call it, which is supposed to be the best third-class berth in the business.

Mr. BENNET. That is the way you construe the word "partition?"

Mr. FRANKLIN. Yes, sir.

Mr. BENNET. As berths ordinarily are separated?

Mr. FRANKLIN. Yes, sir. And it really is a most excellent way to carry them. It is very easy to keep clean. It is healthy for the passengers.

Mr. CHAMBERLAIN. Of course—to resume the general subject—the desirability of international uniformity, so far as practicable, as an administrative matter, is quite evident. There is no need of my going into that. It is perfectly clear.

Mr. FRANKLIN. Would it be out of order for me to ask Mr. Chamberlain to express his views about the main-deck question, which is very important? He has only touched upon the question of berth space.

Mr. LODGE. At the beginning he spoke about computing the air space, which I suppose covered that point. Do you mean as to the difficulty of defining the main deck?

Mr. FRANKLIN. As to the difficulty of defining the main deck, and the change in construction.

Mr. CHAMBERLAIN. It has proved to be as an administrative matter practically impossible for the collector at New York, to whom we refer a great many questions—and then he consults different specialists and experts on those matters—to get any two or three men to stand by any one definition of "main deck." It is in the law, and we can not define it. As I think was suggested by Mr. Franklin—at all events, if it was not suggested, he knows it is so—when you have a continuous deck, and call it the main deck, if you want to you can cut it through, and it is no longer the main deck. A simple mechanical operation sinks the main deck lower down.

Mr. FRANKLIN. One definition is clear and the other is not.

Mr. CHAMBERLAIN. The one definition is clear and the other is not. That is the situation. The tendency through the use of the term "main deck" would be to get the steerage passengers farther and farther down into the hold, which is just where you do not want them. You want to get them higher up in the air.

Mr. LODGE. You agree with the British Board of Trade regulations?

Mr. CHAMBERLAIN. Yes, sir.

Mr. BURNETT. There is one question which I should like to ask about the dining room and the smoke room. Some vessels do not have them?

Mr. CHAMBERLAIN. There must be some vessels which have not.

Mr. BURNETT. Do you not think there ought to be legislation requiring all vessels to have them?

Mr. CHAMBERLAIN. It would be a very admirable thing. I think by merely making allowance for smoke rooms and lounging rooms and music rooms and all that sort of thing you would encourage every ship to have them. I think it would be a little difficult to frame a law requiring that sort of thing. Of course it could be done.

Mr. BURNETT. We did it as to the hospitals, I believe?

Mr. CHAMBERLAIN. Yes. When you come to the matter of health, it is a little simpler than dealing with smoke rooms and with those other matters which, while

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they are really vital—for these large rooms are vital to the health and comfort of the passengers—it would be a little hard, I think, to regulate in precise form.

Mr. BENNET. Are you clear as whether the space allotted to steerage passengers for exercise on the decks of vessels now can or can not be computed in the space unencumbered with cargo of which each passenger is required under section 42 to have 18 feet?

Mr. CHAMBERLAIN. The British regulations say space not included in the tonnage of the ship; that is, in the open, exposed to the weather. I do not think there is any chance for confusion. It may seem to be rather a singular position to take—I am just stating it tentatively—but in 1882 Congress required a hundred cubic feet for each passenger. We will suppose the space between the decks is 7 feet. That would be equivalent to 14⅓ on the deck. I went over on the *Servia* two or three years thereafter, in 1884, and the *Servia* was a crack ship in those days. Of course I went over for a vacation, but I went all through the ship several times.

Fourteen and two-sevenths feet was the entire superficial space that was then allowed to a steerage passenger. He did not have anywhere else to go. He had to stay there or go on the deck. When it was bad weather outside, the only place he could go was to his 14⅓ feet of sleeping space.

Under present conditions, if the weather is bad on deck, he has various other parts of the ship in which to roam about. Looking at it from one point of view, one can say from the standpoint of sanitary conditions and the comfort and pleasure of the passenger who is crossing in the steerage that with 12 feet for sleeping space and with deck space and smoke rooms and all that sort of thing, he is very much more comfortable than with the old 14⅓ feet.

Mr. BENNET. Would the omission of the tonnage provision from our section 42 have any effect on your argument or understanding?

Mr. CHAMBERLAIN. I do not see how.

Mr. BENNET. We took that out of the British law, and we did not bring the tonnage feature with it.

Mr. CHAMBERLAIN. We have not anything about promenade space on the deck.

Mr. BENNET. We have not.

Mr. LODGE. We did not put in that provision about the deck space.

Mr. BENNET. Yes; it is in there.

Mr. LODGE. Not in our law.

Mr. BENNET. Yes.

Mr. LODGE. I mean about the promenade space.

Mr. BENNET. No. But my question is, having said deck not encumbered by cargo, and not put in the tonnage provision, how have we left our law?

Mr. CHAMBERLAIN. You do not mean to say that by indirection we have incorporated the British Board of Trade regulations as to promenades in our statute? I do not think any court would sustain that view.

Mr. BENNET. Oh, no. I thought your contention was that the reason why they could not count those decks as being the decks on which the companies should allow 18 superficial feet was because there was some sort of tonnage regulation.

Mr. CHAMBERLAIN. I was talking about the British regulation. They have that in theirs.

Mr. BENNET. I am talking about the American section 42.

Mr. CHAMBERLAIN. But that is not there.

Mr. FRANKLIN. There is no reference to it.

Mr. BENNET. Do our minds meet?

Mr. JENKS. The law says: "A compartment or space unobstructed by cargo, stores, or goods." Mr. Bennet wants to know if that is practically the same as the British law, which says space excluded from tonnage measurement.

Mr. CHAMBERLAIN. What is your definition of the word "compartment?" Can you have a compartment that is open to the weather? A compartment must have a roof on it. It must be closed in.

Mr. BENNET. Take the *Baltic*, which has a compartment up on the sun deck—I hesitate to call the decks by names——

Mr. FRANKLIN. The upper deck.

Mr. BENNET. Where immigrants do not sleep, but which is set apart for immigrants. If section 42 remains as it is, and this question comes up for consideration, can they count that deck space as part of that which goes to make up the 18 superficial feet to each passenger. There [indicating] is a compartment.

Mr. CHAMBERLAIN. A compartment devoted to smoking?

Mr. BENNET. It does not make any difference.

Mr. CHAMBERLAIN. Devoted to what?

Mr. LODGE. General purposes.

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Mr. BENNET. General purposes.
Mr. CHAMBERLAIN. Under the present practice the collector——
Mr. BENNET. I am asking about the law.
Mr. CHAMBERLAIN. You would have to go to the courts.
Mr. BENNET. What is your opinion of the law?
Mr. CHAMBERLAIN. Under the general practice——
Mr. BENNET. Could that space be counted? That is what I want to get at.
Mr. CHAMBERLAIN. May I finish? If the question which you have raised were brought to the circuit court, as the hospital question was, I would not undertake to guess the result. I do not know whether the circuit court would say the space should be included, as it did the hospital space, or whether it would draw another rule.
Mr. LODGE. Included in computing the air space for each immigrant?
Mr. CHAMBERLAIN. There is one thing I am very clear about. It ought to be.
Mr. FRANKLIN. That is the reason why we are so strongly in favor of the British Board of Trade regulations. They are perfectly clear to everybody.
Mr. NEALE. Mr. Chairman and gentlemen, Mr. Spalding, of the Boston bar, is here, and with the permission of the Commission he would like to make a few observations concerning section 42.
Mr. LODGE. We shall be very glad to hear Mr. Spalding.

Statement of Thorndike Spalding.

Mr. SPALDING. Mr. Chairman and gentleman of the committee, I represent the White Star Line interest in Boston, but after the very able and candid statement of Mr. Franklin it does not seem that there is much for me to say. There are one or two observations, however, I wish to make. Of course I am somewhat interested in the development of Boston as a port, but with Senator Lodge on the Commission it is hardly necessary for me to suggest anything further than what he has already done and will doubtless do in the future. If this suggestion is carried out and the lines in the busy season run to Halifax and there——
Mr. LODGE. Do you mean if the present law is carried out?
Mr. SPALDING. If the suggestion made by Mr. Franklin is carried out that the steamers may go to Halifax and there land the steerage passengers, and if passenger rates are practically the same from Halifax to the West as from Boston to the West, we in Boston might lose whatever benefit comes to us by having those persons landed in Boston. That would be something in the aggregate of considerable amount. It strikes me that is one suggestion which, so far as Boston's shipping interests are concerned, might well be considered by the commission.
So far as concerns the advantages to be obtained from the adoption of the British law, the one point which has struck me in talking with many in Boston, particularly in shipping circles, who are in favor of this change, is that the British law is so clear and explicit.
There is a further point—that suggested by Senator Latimer. It would be a great advantage if we could get the different countries to agree upon uniform regulations. Possibly it would be slow, but if two of the great countries, like the United States and Great Britain, agree practically on their laws, it would be only a short time until the other countries would see their way clear to join with us, which would be a tremendous advantage to the shipping interests of our country.
May I suggest that the shipping interests would be very glad to have a decision at as early a date as possible, owing to the fact that there are certain ships under consideration for construction, I believe, and, of course, the owners are very anxious to know if this law is to go into effect January 1, or if some other law is to take its place.
Mr. LODGE. You mean the 1st of January, 1909?
Mr. SPALDING. Of course. It would not leave any too much time for the changes which might have to be made to carry out the law.
As I said a moment ago, it seems to me there is nothing more I can say after listening to Mr. Franklin's extremely able and candid presentation of this case. I thank the commission, of course, for allowing me to come before it and say this word or two. So far as the port of Boston is concerned, Senator Lodge will take care of it.
Mr. LATIMER. We have discovered that fact.
Mr. SPALDING. So have we.
Mr. NEALE. Mr. Chairman, we have no one else who wishes to submit any remarks.
The CHAIRMAN. Then we will call the hearing closed.
At 12 o'clock and 30 minutes p. m. the commission adjourned subject to the call of the chairman.

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4. REPORT, SENATE COMMITTEE ON IMMIGRATION, ON THE BILL S. 5083

[Senate Report No. 245, 60th Cong., 1st sess., February 18, 1908.]

The Committee on Immigration, to whom was referred the bill S. 5083, report the same back with amendments, and, as a part of said report, submit the following correspondence from the Department of Commerce and Labor:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 11, 1908.

DEAR SIR: I have received your letter of the 7th instant, inclosing a copy of Senate bill No. 5083, entitled, "A bill to amend section 1 of the passenger act of 1882." Complying with your request for my opinion of the measure, I transmit herewith a statement regarding the bill, prepared after careful study by Mr. E. T. Chamberlain, Commissioner of Navigation, who has made an accurate comparison of the provisions of the measure, and the provisions of section 42 of the immigration act of 1907, and also of the provisions of this bill with the passenger acts of the leading maritime nations, in so far as air space is concerned.

In forwarding to you this statement, I desire to express my entire approval of Mr. Chamberlain's recommendations.

Very truly, yours,

OSCAR S. STRAUS,
Secretary.

HON. WM. P. DILLINGHAM,
Chairman Committee on Immigration, United States Senate.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 12, 1908.

SIR: In accord with your wishes I have the honor to submit the following statement regarding S. 5083 "A bill to amend section 1 of the passenger act of 1882."

INTERNATIONAL UNIFORMITY.

I. The bill in brief proposes to adopt the regulations on the subject of air space or steerage accommodations framed by the British Board of Trade, pursuant to an act of Parliament of 1906. They were drawn after an investigation during 1907, which was not completed until after the passage by Congress of section 42. Those regulations went into effect on January 1, 1908, and they are accordingly the latest declaration by competent authority of the rules which should govern the sanitary conditions and comfort of the steerage. In substance the board of trade has adopted the practices of the steamship companies which furnish the best steerage accommodations and has made them law for all others. The adoption of similar rules by the United States will be an important step toward their adoption by other nations concerned. Agreement between the United States, which annually has received more steerage passengers for some years past, probably, than all other countries combined, and Great Britain, the largest builder and owner of ships engaged in this line of transportation, is the most feasible means of promoting an improvement in the laws of the remaining maritime nations regulating the steerage.

II. The bill is a useful measure in the direction of uniformity of laws among nations relating to shipping. Such uniformity is desirable, where practicable, because—

1. It tends to promote friendly foreign relations.
2. It effects economy in transportation by sea.
3. It simplifies the administration of laws.

There is already a close approach to uniformity in the laws relating to the measurement of tonnage of vessels on which port charges, etc., are fixed. There is uniformity in the laws preventing collisions at sea. The international movement to secure uniformity of laws for the apportionment of damages in collision cases is well underway. By recognizing foreign-inspection certificates we have promoted uniformity of law governing life-saving and fire-fighting apparatus and seaworthiness. This bill is a long step toward securing uniformity of laws regulating the construction of the quarters of steerage passengers on shipboard—the most important factor in the international passenger trade of the United States—in which annually for the past five years over 1,000,000 persons, eastbound or westbound, have been concerned.

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III. Section 42 of the immigration act of 1907 was concededly imperfect and reserved for further consideration by the very fact that it was not to take effect before January 1, 1909. Consideration of the subject is now opportune and, indeed, necessary in order that shipbuilders and shipowners may be prepared in building and reconstructing ships to meet requirements of law on January 1, 1909.

WATER LINE AND MAIN DECK.

Modern shipbuilding is based on the principle that passengers should not be carried in any "between deck" which is not lighted and ventilated by side scuttles—that is by port holes, or windows, so to speak. In other words, the lowest between deck for passengers must not be wholly submerged. The deck or floor itself may be below the water line, but the space must be lighted and ventilated by port holes or windows which in ordinary weather may be opened, though closed when the sea is running. Above the water line, passengers may be carried on any deck, regardless of the number of decks. Indeed, the highest deck accommodations are often the most expensive. S. 5083 recognizes this principle and fact in marine architecture by taking, so to speak, the water line as the foundation and building the steerage quarters upward.

When steamships had only three passenger decks it made no difference whether the statute provided that passengers could be carried only on the main deck and the first and second decks below, or whether it provided that they should not be carried on any between decks not lighted by side scuttles above the water line. Either language would have been a correct statement of a fact and a sound principle. Nowadays steamships have four or five decks within the hull and three, four, or five structures superimposed above the hull. Section 42, repeating the language of the act of 1882, provides that steerage passengers may be carried on only three decks—the main deck and the two next below. Structurally, the main deck is the backbone of the ship. To continue the main deck as the statutory basis of passenger carrying is to continue three unintentional and undesirable results:

(*a*) If steerage passengers can not be carried on any deck above the main deck, they are cut off from the most desirable accommodations on shipboard. In fact, in some cases the law in this respect is ignored.

(*b*) The definition of main deck for the purposes of the law becomes uncertain in cases of ships of four or five decks, and uncertainty follows in administration.

(*c*) The main deck must, of course, be continuous from stem to stern within the hull. In the case of a five-deck ship, the shipbuilder or shipowner is confronted with a dilemma, created by our law but not by the law of other nations. Such a ship has four between decks, all above the water line. The owner can lawfully use only three for the steerage under the American law. A ship at sea is very much like a bridge girder, the deeper the girder the stronger and more seaworthy the ship. Structurally it is thus desirable to keep all decks within the hull continuous from stem to stern. But by so doing in this case steerage passengers can not be berthed on the between deck at the water line, because it is the third deck below the main deck. Accordingly the first deck will be cut so it is no longer continuous. By this less satisfactory construction, the between deck on the water line becomes available for steerage passengers, and the spar deck may be used for other purposes. Under British and German law the decks are intact, the ship stronger, more and better space is available for steerage passengers, and transportation is more economical.

DINING SALOON, SMOKING ROOMS, RECREATION HALLS, BATHROOMS, ETC.

The tensile strength of steel, permitting almost as great an increase in the dimensions of ships as in the height of buildings ashore, has added greatly to the comfort of the steerage since 1882. When the passenger act was passed, the steerage passenger was virtually restricted to two places, his berth or sleeping place, and the open deck. Nowadays the steerage accommodations include dining saloons, smoking rooms for the man, recreation halls, with piano, for women and children, bathrooms, lavatories, and laundries. Some of these are found on many ships, all of them are found on some ships. The construction of such accommodations is to be encouraged for two reasons: First, such accommodations obviously add intrinsically to the health and comfort of the steerage passenger. Second, by drawing him as much as possible from his berth, sleeping quarters may be kept in a much more healthful condition. Steerage passengers are usually unaccustomed to the sea. Often the most difficult matter of management is to keep them out of their berths in the daytime, yet that is usually most essential to health.

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Construction of such accommodations may be provided for by law in two ways. First, the statute may describe specifically what is deemed necessary and desirable. To an extent race customs must be considered in such matters. While amendments to the passenger act of 1882 could doubtless be drawn for this purpose, considerable investigation is first necessary, and it does not seem feasible to undertake it at this session. The second method, followed in the British regulations and adopted in this bill, is to encourage the construction of such accommodations by an extra space allowance. Paragraph 10 (*a*) prescribes at least 12 superficial feet for sleeping accommodations, and Paragraph 8 provides at least 15 superficial feet generally for each passenger. Thus for 100 passengers there must be 1,200 feet of deck room under cover for sleeping and at least 1,500 feet of deck room under cover for all purposes. The balance of 300 feet must be applied by the shipowner to the uses of the steerage passengers. How much shall be assigned to public rooms for men, how much for women, how much for dining rooms, and how much for other purposes is left to his judgment of the requirements of trade at any given time or of national customs of those on board. A British steamship may be engaged in the immigration business from northern Europe for part of the year, for part of the year from the Mediterranean, and again in trade with South Africa or Australia. It would be somewhat difficult to frame a British statute to meet varying requirements of these trades. It would be somewhat difficult to frame an American statute in these particulars to meet the varying requirements of the different races drawn from all over the world to the United States. The bill establishes the alternatives, either larger sleeping quarters, or public rooms for men, women, and children.

CUBICAL CONTENTS AND SUPERFICIAL AREA.

The passenger act of 1882 based steerage accommodations on a minimum allowance for each passenger of 100 cubic feet. The British law bases such accommodations on a minimum superficial area or floor space of 15 superficial feet and a practical minimum in height of 7 feet, making a space of 105 cubic feet. Section 42 changed the method from the cubical feet system to the system of square feet with a minimum height. The cubical system, still retained by the German and Italian laws, encourages height, for as the height increases, of course the floor space decreases under the cubical system. These nations found it necessary to limit height to prevent excessive cramping of floor space. Thus under German law height over 7.9 feet is reckoned as only 7.9; in the Italian law excess of height over 8.2 feet (2½ meters) does not count in reducing floor space. The tendency in steel construction is toward height, so with minima fixed, height can best be left to regulate itself. Superficial area is, furthermore, a simpler method of measurement, as the curves of ship construction do not always admit perfect cubes. Finally, superficial measurement must be used in some cases, as on a deck under the open air. The simpler and better system is accordingly adopted in S. 5083, as in section 42.

HEIGHT OF BETWEEN DECKS.

The act of 1882, section 42, and the British and German laws agree in fixing 6 feet as the minimum height of any between deck for steerage passengers. The Italian law fixes the minimum at 6.56 feet (2 meters). If the height, however, is less than 7 feet, section 42 and the British regulations require an extra allowance of superficial area or floor space. Practically 7 feet is the minimum height on steerage passenger steamers in American trade. Of 465 between decks inspected at our principal seaports during the past fiscal year, the height of 52 was over 7 and less than 7½ feet; of 228 over 7½ and less than 8 feet; of 146 over 8 and less than 8½ feet, and of 37 over 8½ feet.

(NOTE.—Only 2 decks on 2 Allan liners were under 7 feet. The only sail vessels now in the American steerage business are 6 in the Cape Verde Islands trade, 4 with decks under 7 feet.)

In what follows 7 feet, accordingly, will be taken as the practical minimum height.

COMPARISON OF LAWS.

The British regulations have the same effect on decks of German steamers of the Hamburg-American or North German Lloyd, American Line or Belgian Red Star steamers touching for steerage passengers at Dover, Southampton, or Plymouth on the way to or from New York as on decks of the Cunard or White Star steamers. The German law has been in force since 1898, but the steerage trade to the United States out of Hamburg and Bremen is confined to the two great German steamship companies.

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The Italian law has been in force since 1901. It applies not only to Italian steerage passenger steamers but also to British and German steamers carrying immigrants from Italy to the United States. During a year a German ship, for example, may be required to conform to four different national laws. Leaving Bremerhaven direct for New York she must conform to the German law and to the American law. Sailing between the same terminals but stopping en route at Plymouth she must also conform to the British regulations. Entering into trade between Italy and the United States she must also conform to the Italian law. The steerage business between France and the United States is carried on almost entirely in French steamers.

The American law of 1882, the German law of 1898, and the Italian law of 1901 are based on the cubical system of measurement. The pending bill, section 42 of our law of 1907, the British regulations of 1903, and the French law of 1861 are based on superficial area with minimum heights.

In the following synoptical table the principal dimensions involved in the six laws and in S. 5083 are set forth, in Table 1 under the forms of cubic allowances, in Table 2 in terms of superficial area. France, Germany, and Italy use the metric system.

TABLE 1.—*Cubic allowance.*

PASSENGER DECKS.

French, 1861.	American, 1882.	German, 1898.	Italian, 1901.	Proposed bill, British, 1908.	Section 42.
Cu. ft.	*Cu. ft.*	*Cu. ft.*	*Cu. ft.*	*Ht. Area. Cu. ft.*	*Ht. Area. Cu. ft.*
100	100	100	97	7 ×15=105	7 ×18=126
106	100	100	97	7½×15=112½	7½×18=135
112	100	100	97	8 ×15=120	8 ×18=144
119	100	100	97	8½×15=127½	8½×18=153

LOWEST PASSENGER DECK.

100	120	100	106	7 ×18=126	7 ×20=140
106	120	100	106	7½×18=135	7½×20=150
112	120	100	106	8 ×18=144	8 ×20=160
119	120	100	106	8½×18=153	8½×20=170

TABLE 2.—*Superficial areas.*

PASSENGER DECKS.

Height.	French, 1861.	American, 1882.	German, 1898.	Italian, 1901.	Proposed bill, British, 1908.	Section 42.
Feet.	*Sq. ft.*	*Sq. ft.*	*Sq. ft.*	*Sq. ft.*	*Sq. ft.*	*Sq. ft.*
7	14.3	14.3	14.3	13.8	15	18
7.5	14.1	13.3	13.3	12.9	15	18
[a]8	14	12.5	12.6	12.1	15	18
[b]8.5	14	11.8	12.6	11.8	15	18

LOWEST PASSENGER DECK.

7	14.3	17.1	14.3	13.8	18	20
7.5	14.1	16	13.3	12.9	18	20
[a]8	14	15	12.6	12.1	18	20
[b]8.5	14	14.1	12.6	11.8	18	20

[a] Under German law area is not reduced for heights over 7.9 feet.
[b] Under Italian law area is not reduced for heights over 8.2 feet.

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TABLE 3.—*Berth dimensions.*

French, 1861.	American, 1882.	German, 1898.	Italian, 1901.	Proposed bill, British, 1908	Section 42.
6′ × 1.97′ = 12 square feet.	6′ × 2′ = 12 square feet.	6′ × 1.97′ = 12 square feet.	5.94 × 1.83′ = 11 square feet.	6′ × 1.83 = 11 square feet. (6′×2′ this bill) 12 square feet.	6′ × 2′ = 12 square feet.

The average height between decks of a steamship of the types built of late years for the trans-Atlantic steerage business may be taken, as an illustration, at 8 feet. Under the American passenger act of 1882 (including hospital) and the German law (excluding hospital) such a vessel on the two principal steerage decks would be required to provide 100 cubic feet for each steerage passenger. (See table above.) Under the Italian law only 97 cubic feet would be required, and under the French law 112 cubic feet. The current British regulation, incorporated in S. 5083 (paragraph 8), prescribes 15 superficial feet, which multiplied by 8 feet height gives a total of 120 cubic feet. Section 42 of the act of 1907 will require 144 cubic feet. These and following figures must be slightly modified by later considerations.

In the same manner, with the same deck of the same ship at the same height, 8 feet between decks, under Table 2, the American act of 1882 would require 12.5 superficial feet on the deck (100÷8), and the German law 12.6 superficial feet (100÷7.9), as the German law requires the same amount of deck space for an 8 feet high between decks as for one 7.9 feet high. The Italian law would require only 12.1 superficial feet, and the French law 14 superficial feet. S. 5083 and the British regulation each requires 15 feet on the deck, while section 42 would require 18 feet.

To make the comparison for a given ship under the seven different propositions, the height between decks must be known in each case, and the rule for the deck on the water line, furthermore, is different from the rule for decks above in all except the German and French laws. Accordingly an exact statement of general averages of differences between the four principal foreign laws and the three American propositions can not be made. Generally speaking, however, the Italian law makes the smallest allowances, and that law, it should be remembered, is the law governing the clearance of British and German ships in the Mediterranean steerage trade, as well as Italian ships. The German law is second in its requirements, but it, in effect, applies only to German ships in direct trade with the United States, while German ships touching at English ports must comply with the British law. The British regulations of 1908 furnish the most precise and, on the whole, progressive code. Section 42 exceeds any requirements of any shipbuilding country.

MODIFICATIONS.

As indicated, some of the statements above must be modified. The German law (sec. 21) requires 353 cubic feet of hospital space for each 100 passengers, not to be included within the 100 cubic feet elsewhere required, so that the actual German minimum is 103.5 feet compared with 100 cubic feet under our act of 1882 and 120 cubic feet (at 8 feet high) under this bill. Our courts have held that our 100 cubic feet includes hospital space.[a] The German law, like our act of 1882, prescribes a sufficient number of tables and benches for meals. Unlike our law, it specifically prescribes that the spaces occupied by these tables and benches shall not be included in the prescribed 100 cubic feet. The Department of Commerce and Labor has refused, however, to grant a request in behalf of a German ship to allow folding tables and benches to be used in sleeping compartments with folding berths, similar in principle to the Pullman car system. The objections to eating in the same compartment with other passengers in their berths on shipboard, seasick possibly, are sufficiently clear, though it is doubtful whether the law covers them. The German allowance for tables and benches, accordingly, can not be considerable, though it should be mentioned.

Although it has been held by the courts that hospital spaces are included in the minimum of 100 cubic feet under the act of 1882 (and that ruling would, of course, apply equally under section 42), it has been our practice to exclude from that 100 cubic feet the spaces on modern ships devoted to smoking rooms, dining saloons, lavatories, etc., in the steerage. The practice is of doubtful validity, but no case has arisen which could be brought before the courts for decision, and, of course, no administrative officer

[a] See Appendix C, p. 455.

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would care to reverse the practice. Nevertheless should no action be taken at this session and should section 42 go into effect next January, it is reasonably certain that such a case will arise, in view of the already extreme requirements of the section. As the decision of 1885 in the hospital case was asquiesced in by the United States attorney, one of the ablest lawyers in New York City, there seems little reason to doubt what the decision will be as to dining rooms, etc.

CONCRETE CASES.

A. Take a large between deck, 8 feet high and 10,000 superficial feet on the deck, of a steamer in trade between Italy and the United States. Under the Italian law 826 steerage passengers could be carried on this deck. Under our present law 800 could be carried, there being no dining rooms, smoking rooms, etc. Under section 42 only 555 could be carried (a reduction of 32 per cent below our present limit), with no requirement as to dining rooms, smoking rooms, etc., nor would such accommodations be provided because the reduction in the statutory capacity of the ship is so great that all the space would be devoted to berthing under our present custom-house practice. Under S. 5083, at the outset 2,000 superficial feet could be set apart for dining rooms, smoking rooms, or purposes other than actual sleeping. The remainder would accommodate 666 passengers (a reduction of 17 per cent below our present limit).

B. Take the same between decks of 10,000 superficial feet in the case of a ship coming from the United Kingdom (or a German ship touching at a British port). That ship is now operating under the British regulations of 1908. The passage of S. 5083, accordingly, would not affect her carrying capacity. The same rules would apply at New York as at Liverpool, Southampton, Dover, or Plymouth. If, however, section 42 shall go into effect, the matters of construction and of the use of decks above the main deck will arise. Under the British regulations 666 passengers can be carried on a between deck of 10,000 superficial feet of which 2,000 feet are reserved for public rooms. Under section 42, even by converting the public rooms into sleeping quarters, only 555 passengers can be carried, for under our practice dining rooms, smoking rooms, etc., are excluded. Section 42, accordingly, would reduce the carrying capacity at least 17 per cent, and by as much more as it was found necessary to use dining rooms, etc.

C. Take the same between decks of 10,000 feet in the case of a German ship direct from Hamburg or Bremen. Under the German law that space could carry 769 passengers, without dining rooms, etc. Dining and smoking rooms are found on some of these ships, so actually the maximum stated is not carried. Under S. 5083, 666 could be carried, or 15 per cent less than the German maximum, but dining rooms, smoking rooms, etc., could be provided. Under section 42, only 555 could be carried without dining rooms, etc., or a reduction of 29 per cent below the German maximum.

D. Take a French ship direct from France and authorized under French law to carry 714 passengers in the between deck mentioned. Under tha act of 1882 she could carry 800, under S. 5083 she could carry 666 (a reduction of 18 per cent), and under section 42 she could carry 555 (a reduction of 31 per cent).

E. All the percentages of difference in the examples above have been for a deck 8 feet high. For decks 7½ feet high the reduction generally would be less; for decks 8½ feet high the reduction would be greater.

PROMENADE SPACE.

Paragraph 9 of the bill prescribes a space of at least 5 superficial feet on an open deck as air or promenade space—about the space occupied by a steamer chair. The Italian law prescribes 4.8 feet, the German law 5.4 feet. Hitherto this useful feature has not been included in the American law.

CHILDREN.

All the laws considered do not count children under 1 year in the number of passengers. The American and French laws count two children under 8 years as one passenger, and this is not changed by the bill. The German and Italian laws count two children under 10 years as one, the British two under 12.

RESULTS.

The following results may reasonably be expected from the passage of S. 5083:

1. Affirmation of the principle of international regulation of immigration.
2. The more general construction of dining rooms, smoking rooms, recreation halls, lavatories, bathrooms, etc., for use of the steerage with consequent improvement in sanitary conditions, comfort, and content.

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3. The acceptance of standards of ship construction voluntarily adopted by the best builders and owners and the obligatory application of those standards to all others.

4. No reduction in the number of steerage passengers who may be brought to this country from northern Europe in an American, British, German, Belgian, or other ship coming to this country by way of a port in England, Scotland, or Ireland.

5. A reduction of from 14 to 21 per cent, according to accommodations furnished, in the number of steerage passengers who may be brought to this country from an Italian port on an Italian, British, German, or other ship. As Italian ships last year carried 85 per cent of their capacity (Report Commissioner of Navigation 1907, p. 146), this reduction would apply especially in the crowded season, and not generally during the months of lighter travel.

6. A reduction of about 15 per cent in the number of steerage passengers on a German ship, without dining rooms, smoking rooms, etc., coming directly from Hamburg, or Bremen to the United States.

The following results seem probable if section 42 shall take effect January 1, 1909:

1. A handicap on future efforts toward international regulation of immigration by the enforcement of a law which refuses to recognize that Great Britain, Germany, Italy, and other nations have an intelligent interest in the welfare of their poorer subjects embarking for the United States, and a knowledge of their needs and customs.

2. By extreme space requirements, the discouragement (not abolition) of dining rooms, smoking rooms, recreation halls, bathrooms, etc., which make for the health and comfort of steerage travel.

3. The perpetuation of the antiquated "main deck" rule, applied to the steerage, which is both an obstacle to good ship construction and a statutory exclusion of steerage passengers from the best decks of the ship.

4. By an extreme restriction on the carrying capacity of ships especially equipped for the steerage trade, the encouragement of the use of inferior ships, hastily equipped to meet the needs of heavy travel about the month of May.

5. A reduction of at least 17 per cent in the steerage capacity of ships from England below that fixed a few months ago by competent British authorities after careful investigation. Section 42 did not purport to be the final word of Congress after mature deliberation, but almost in terms was reserved for future consideration, now necessary.

6. A reduction of about 29 per cent in the carrying capacity of German ships coming direct from Germany.

7. A reduction of about one-third in the carrying capacity of all steerage passenger ships from Italy, whose cooperation is necessary to the success of any future programme for international regulation of immigration.

Finally, neither S. 5083 nor section 42 is an effective restriction of immigration. The ultimate result of extreme space requirements alone must be merely to substitute for well-equipped ships inferior ships which have space and nothing else beyond necessities prescribed by law. The purpose of the passenger act of 1882 and similar foreign statutes is to promote the safety, health, and comfort of ocean travelers of limited means, and space regulations should have that end in view. As that is done ocean travel will increase and incidentally immigration may increase, other conditions being equal. The passenger act of 1882 is not, therefore, a suitable law at this time in which to undertake the restriction of undesirable immigration.

Respectfully,

E. T. CHAMBERLAIN,
Commissioner.

Hon. OSCAR S. STRAUS,
Secretary of Commerce and Labor.

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3. HEARING BEFORE COMMITTEE ON IMMIGRATION AND NATURALIZATION, HOUSE OF REPRESENTATIVES, ON THE BILL S. 5083.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Tuesday, March 24, 1908.

The committee met at 10.30 o'clock a. m.

Present: Representatives Howell (chairman), French, Bennet, Hayes, Edwards, Küstermann, Burnett, Moore, Adair, Sabath, and O'Connell.

After disposing of other matters, the committee proceeded to the consideration of the bill (S. 5083) to amend section 1 of the passenger act of 1882.

Statement of Eugene Tyler Chamberlain, esq., Commissioner of Navigation, Department of Commerce and Labor.

Mr. CHAMBERLAIN. Mr. Chairman and gentlemen, I know that your time is very precious, and I should like to confine myself as far as possible to those matters as to which the committee is in doubt, if there are any such, as I presume there are.

The bill is Senate 5083, and accompanying it in the Senate was Report 245, copies of which I sent up to the members of the committee some time ago. It is rather long, but I could not very well condense it, because there is so much arithmetic in the proposition and so many comparisons, it seems to me, are necessary in order that the situation may be fairly understood.

The CHAIRMAN. I will state, Mr. Chamberlain—perhaps it will be for your information—that the committee were anxious to know, perhaps as much as anything, the difference there would be between the law as proposed and the law as it is now, and also the new law.

Mr. CHAMBERLAIN. There are three propositions: First, the passenger act of 1882, under which we are now operating and have been operating and will operate until the 1st of next January; second, section 42 of the immigration act of last year, which is to take effect on the 1st of January, unless there is other action, and third, the pending bill, Senate 5083.

Section 42, as the members of the committee will doubtless recall, was a part of the conference report on the immigration bill last year. As I understand it, that proposition was never before this committee or the Senate committee as committees. It was simply before the conferees, brought in in the conference; and it had such consideration as was possible in the extremely brief time that the conferees were meeting, in which may important subjects were taken up. I think it was generally understood, and has been conceded, that section 42 was necessarily somewhat a crude proposition for that reason. The date of its enforcement was postponed for about a year and a half, so that there would be a chance to reconsider the matter before it actually went into effect. This is the reconsideration; Senate bill 5083 is the reconsideration.

Roughly speaking, to take up in the first place the matter of relative accommodations (although there are other matters that I think are quite as important), section 42 decreased by about thirty-odd per cent the steerage capacity of most trans-Atlantic steamers.

Mr. HAYES. Is it so much as that, Mr. Chamberlain?

Mr. CHAMBERLAIN. Just about as much as that.

Mr. HAYES. The former figure of fourteen and a quarter was increased to eighteen, was it not?

Mr. CHAMBERLAIN. Yes. You are doubtless referring to a statement that I furnished several members of this committee about a year ago, while the bill was pending. It was carefully guarded, and yet it may have conveyed a false impression. I said then that taking the average height at 7 feet, the superficial area would be about 14½ feet.

Mr. HAYES. Fourteen and a quarter, as I remember it.

Mr. CHAMBERLAIN. That was done very hurriedly. As a matter of fact, 7 feet is practically the minimum height. If you will turn to this report, at page 4, you will find this statement:

"Of 465 between decks inspected at our principal ports during the past fiscal year, the height of 52 was over 7 and less than 7½ feet; of 228 over 7½ and less than 8 feet; of 146 over 8 feet and less than 8½ feet; and of 37 over 8½ feet."

So 7 feet, instead of being the average, was really the minimum; and to that extent the statement that I made a year ago ought to be modified.

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The actual operation is——

Mr. HAYES. One moment, Mr. Chamberlain; I want to understand this. I am getting confused.

Mr. O'CONNELL. We have not that.

Mr. HAYES. No; we have not that report; but this is the point: The present law, going into effect on the 1st of next January, does not provide for superficial feet; so that your statement is hardly accurate, is it?

Mr. CHAMBERLAIN. I beg your pardon, sir.

Mr. HAYES. I was under the impression that it provided for so many cubic feet.

Mr. CHAMBERLAIN. Have you section 42?

Mr. HAYES. I have it right here now.

Mr. BURNETT (reading). "For each and every passenger carried or brought therein, 18 clear superficial feet of deck allotted to his or her use."

Mr. HAYES. Yes; it says "superficial feet." I was thinking it was "cubic feet."

Mr. CHAMBERLAIN. The system was changed in section 42. Previous to that we had had the cubical system, and the change was made at that time; and it is a desirable change, for reasons which can be explained here if you want to go into that. It was changed to the superficial feet system.

Mr. HAYES. Yes; 18 superficial feet of deck space.

Mr. CHAMBERLAIN. I have it here, at page 28.

Mr. BENNET. Is that where it is below 7 feet?

Mr. HAYES. No; where it is 7 feet, and 20 below the second deck. The requirement is 18 for the first deck and 20 for the second. All right; excuse me.

Mr. BENNET. Yes; that is right.

Mr. CHAMBERLAIN. Comparisons between the three systems (between our act of 1882, this proposition, and section 42) are given in this report, but perhaps better than that are some concrete cases. I sent to New York after this Senate report was prepared —in fact, I sent before, but I did not get the return until afterwards--and so I will have to give it to you in typewriting.

A number of steamers were measured by the collector at New York under the three propositions. I have these figures by compartments, and by decks, and the total. I will read the total, and then if you want any details of course I can give them.

The *Majestic*, from Liverpool—the White Star ship that I presume is familiar to a great many of you gentlemen, if not all——

Mr. HAYES. That is an old ship?

Mr. CHAMBERLAIN. Well, yes; it is one of their fast ships.

Mr. HAYES. Over twenty years old.

Mr. CHAMBERLAIN. Under the act of 1882 she could carry 1,232 steerage passengers. Under the proposition that is pending before the committee she could carry 955. Under section 42 she could carry 795. So the percentage of decrease under the present bill would be 22 per cent.

Mr. HAYES. Let me ask you a question in this connection.

Mr. CHAMBERLAIN. May I finish this?

Mr. HAYES. Yes.

Mr. CHAMBERLAIN. Under section 42 it would be 35 per cent. I think I know what you are about to say, if you will allow me to anticipate you and say that this ship is now subject to the British law, as, of course, she is, so that this would not affect that ship. She is already under the British law, which it is proposed to enact at this end of the line.

Mr. HAYES. Yes; but I was going to ask you if it is not a fact that the *Majestic* and practically all the ships except those that come from the Mediterranean ports (this, of course, is the minimum) give accommodations equal to or larger than section 42 requires? Have they not voluntarily come to it?

Mr. CHAMBERLAIN. Oh, a great many have. I can not answer as to that particular ship.

Mr. HAYES. I am informed that that is true as to a large majority of the ships.

Mr. CHAMBERLAIN. Oh, a great many; yes.

Mr. BURNETT. They say that in their hearings.

Mr. CHAMBERLAIN. That is the fact.

Mr. O'CONNELL. Will this bill give more space to the immigrants?

Mr. CHAMBERLAIN. Than the act of 1882?

Mr. HAYES. Just a moment. So that as a matter of fact the passage of the law will not affect any of the British ships at all; it will not affect the German ships; this section 42 will only affect the ships that come from the Mediterranean ports?

Mr. CHAMBERLAIN. Of course, a great many of those are British ships.

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Mr. HAYES. Yes; that may be; but I mean the ships that sail from England or Germany or any of those ports.

Mr. CHAMBERLAIN. I think that is too broad a statement, Mr. Hayes. I think you will find quite a number of ships that would be affected.

Mr. HAYES. My information is that there are 175 ships that are bringing immigrants to this country, and that of those 175 more than 100 have already voluntarily given the space called for in section 42. That is my information.

Mr. BURNETT. Here is what Mr. Franklin in the hearing says about that:

"Mr. FRANKLIN. It will require very little modification, because they have really been measuring on that basis without the law. As it is now, ships have to be built with a view to the United States regulations as well as the British regulations."

There will be very little modification?

Mr. CHAMBERLAIN. Very little modification under section 42, I think——

Mr. BURNETT. Yes, sir. That is a steamship man testifying.

Mr. KÜSTERMANN. How does it affect the American ship *St. Louis*?

Mr. HAYES. It does not affect the American ships at all, Mr. Küstermann.

Mr. CHAMBERLAIN. I have not the figures.

Mr. KÜSTERMANN. You have not the figures on any of them?

Mr. CHAMBERLAIN. I had the collector get the figures of the vessels that were in port at the time.

The next one is the Hamburg-American ship *Amerika*. Under the act of 1882 she could carry 2,398 passengers. Under this bill she could carry 2,109, and under section 42 she could carry 1,659.

I think, Mr. Hayes, the statement that you have in mind is based on the statement in my report for the last year where the list of 175 steamers is given. As a matter of fact, of course in most voyages they do not carry up to their statutory limit. They do not begin to do so. Sometimes during the year they carry hardly anybody. There are not many people coming over. At other times they do. I think your information was possibly to that effect, was it not—that ordinarily the requirements of section 42 are more than exceeded by the accommodations furnished? Of course any restriction of this kind is going to be applicable at certain times of the year to certain ships.

Mr. HAYES. You have asked me a question, and I will say that according to my recollection my information comes from British steamship sources, in which they state that section 42 will not affect their ships, because they have already given greater accommodations than that section requires.

Mr. ADAIR. Let me ask you, when does this section 42 take effect?

Mr. CHAMBERLAIN. It takes effect the 1st of January.

Mr. ADAIR. And does this bill now proposed lessen the amount of space or increase the amount of space?

Mr. CHAMBERLAIN. It increases it over the act of 1882, and it lessens it from what was provided in section 42. It is about halfway between.

Mr. ADAIR. What is the real purpose for wanting to lessen it?

Mr. CHAMBERLAIN. The real purpose for wanting to lessen it, in the first place, is to bring it into accord with the best law that there is in existence on the subject—the regulations that were framed by the British Board of Trade shortly after you gentlemen passed this law.

Mr. HAYES. It was framed last fall, was it not?

Mr. CHAMBERLAIN. Yes; in September.

Mr. HAYES. And framed in order that they might bring it here. The British Board of Trade framed that law, according to my belief, in order that they might bring it here and influence legislation.

Mr. O'CONNELL. Why should you say that that is the best law made?

Mr. CHAMBERLAIN. Because our section 42, if you will allow me, and our present law have one absolutely impossible structural condition in them.

Mr. O'CONNELL. I do not see how any man can come in and say that the best law made is made by the British Board of Trade when we have laws here that are different from it and contemplate other laws. I think that is a little unfair to this committee and to the House.

Mr. BURNETT. Section 42 was adopted on your suggestion, Mr. Chamberlain.

Mr. CHAMBERLAIN. I beg your pardon, gentlemen; you are familiar with the circumstances of the draft of that section.

(After an informal discussion:)

Mr. SABATH. Is it not true that the only question about the construction of section 42 is as to the main deck, as to which deck the courts or the ship companies may construe to be the main deck?

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Mr. CHAMBERLAIN. That is a very important structural question. Something ought to be done with section 42, anyway.

Mr. SABATH. We can amend section 42 right here so as to designate which shall be recognized as the main deck, can we not?

Mr. BURNETT. Without restricting or reducing the air space.

Mr. SABATH. That is the main question, is it not?

Mr. CHAMBERLAIN. That is a very important structural question that ought to be dealt with, at any rate.

Mr. ADAIR. Do you believe, Mr. Chamberlain, that this space is excessive—that it is greater than it need be?

Mr. CHAMBERLAIN. I certainly do. I think that you will get better accommodations all through under the proposition that is pending before you than in section 42.

Mr. BURNETT. Why?

Mr. CHAMBERLAIN. For this reason (I wish to answer you in one moment): That if you call for a very large amount of floor space you are likely to get floor space and nothing else. On the other hand, if you call for a less extreme floor space you will then allow the continuation of these very good accommodations that are now being given to steerage passengers in the way of smoking rooms, dining rooms, and all that sort of thing.

Mr. BURNETT. Let me read you what Mr. Franklin says on that point. In regard to dining rooms and smoking rooms he says:

"We really have to have them, from a commercial point of view, in order to attract passengers to our lines as against other lines. It is competition."

Mr. CHAMBERLAIN. I expect that is true; but, if I can return one moment, this act will be applicable practically in the crowded season in about two months.

Mr. HAYES. Just when we need an act.

Mr. CHAMBERLAIN. Just when we need an act.

Mr. HAYES. We do not need any except in that time.

Mr. CHAMBERLAIN. And, it seems to me, the effect will be, at that time, that the ships are going to be hastily fitted up to go into that particular business, because the ships that are adapted to it, with superior accommodations, can not carry to their present limit; they can not run under so low a limit.

Mr. O'CONNELL. How do you mean they can not run?

Mr. CHAMBERLAIN. They can not run to advantage.

Mr. O'CONNELL. To whose advantage?

Mr. CHAMBERLAIN. They will put on cheap ships.

Mr. O'CONNELL. To whose advantage?

Mr. CHAMBERLAIN. To the advantage of the company.

Mr. O'CONNELL. We are not looking out for the advantage of the company, are we?

Mr. HAYES. We are trying to protect the immigrant, and give him a little more comfort.

Mr. KÜSTERMANN. Of course the immigrant has got to pay more——

Mr. HAYES. That will be a matter of competition; it always is.

Mr. KÜSTERMANN. But as long as this law was passed and has not been tried, why not try it? It is to go into effect next January.

Mr. FRENCH. Why not let the English Board of Trade make their regulations to conform to our laws, since we made ours first?

Mr. O'CONNELL. Exactly.

Mr. BURNETT. They are not Parliament.

Mr. HAYES. They can change them in twenty-four hours.

Mr. BURNETT. Parliament simply authorized them to establish these regulations, and they have done so, and done so long after our law was passed in order to force us to conform to them. Why not let them conform to us?

Mr. SABATH. They have not done anything since 1882, have they? They have paid no attention to the rules or regulations?

Mr. BURNETT. In 1906 they amended the law so as to allow this board of trade to make these regulations; and the board of trade has come along and done this after our law was passed.

Mr. HAYES. Undoubtedly with the intention of bringing them here and influencing legislation.

Mr. BURNETT. There is no doubt of it.

Mr. HAYES. Not a bit of doubt in the world.

Mr. CHAMBERLAIN. If you will allow me one minute, Mr. Chairman, I ventured the opinion that the British Board of Trade regulation was the best, and, of course, I meant in my judgment. But I do wish to say that the action over there was taken after some deliberation, and after an examination that went on for some months.

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(After an informal discussion:)

Mr. BENNET. I suppose there are two things that this committee might take up. There ought to be some way of making certain as to what is the main deck.

Mr. HAYES. Mr. Bennet, I am not much of a ship man, but it seems to me that everybody admits that no ship is going to change over its present structure in order to avoid this definition. The main deck is the first deck that runs through the ship.

Mr. BENNET. Why not let us say so, then?

Mr. HAYES. I do not care.

Mr. BENNET. Let us say so and make it certain. Then you have also got to cover the uncertainty as to what is meant by the "space unencumbered by cargo." There are two things in our act that ought certainly to be changed. Then, personally, I am in favor of not carrying any immigrants on any deck below water. That you can do under section 42.

Mr. BURNETT. How long have you been in the bureau, Mr. Chamberlain?

Mr. CHAMBERLAIN. Thirteen years and a half.

Mr. BURNETT. Your suggestion in regard to the decks was adopted, was it not—the section relating to the decks where this uncertainty seems to come up?

Mr. CHAMBERLAIN. Do you refer to Senate bill 5083?

Mr. BURNETT. No; I refer to section 42.

Mr. BENNET. No; that was the law of 1882.

Mr. CHAMBERLAIN. That was the law of 1882. The deck question was not under consideration.

Mr. BURNETT. There had never been any uncertainty about what was meant by those decks under the old law, had there?

Mr. CHAMBERLAIN. Right along, for some years, since the new type of ships were being built.

(After a further informal discussion:)

Mr. FRENCH. Let me read some statements that bear on this question from Lloyd's Shipping Gazette. On October 4, 1907, Lloyd's Shipping Gazette, commenting editorially upon the emigrant-ship regulations which were adopted by the board of trade and which it is now sought that we make our laws conform to, said this:

"The recently issued regulations respecting emigrant ships are hardly likely to cause much anxiety to shipowners, for the excellent reason that the companies who carry emigrants have for a long time past supplied accommodations far in excess of the board of trade requirements. The regulations, of course, represent the minimum. As a matter of fact, a steamship company which offers its third-class passengers merely the board of trade minimum would get very little custom. Competition amongst the various lines really settles the question of accommodations; for the third-class passenger is just as keen to travel comfortably, as far as his purse will allow, as is the more wealthy man who engages a cabin de luxe."

And then, in the same magazine, after we had passed the bill a year ago, the editor, in discussing the bill, says this——

Mr. O'CONNELL. What paper is this?

Mr. FRENCH. It is the Lloyd's Shipping Gazette.

Mr. O'CONNELL. That is recognized as the official organ in shipping circles, is it not?

Mr. FRENCH. I am not familiar with such papers, but it certainly——

Mr. HAYES. It is an authority, anyway.

Mr. FRENCH. As I understand, it is an authority on shipping matters.

Mr. ADAIR. It is the leading authority in England.

Mr. O'CONNELL. That is what I want to know.

Mr. FRENCH. Commenting on this bill that we passed last year, and especially on section 42, he says this:

"The bill will apply chiefly to steamers coming from the Mediterranean, which already carry at times nearly to their full legal capacity, and must two years hence either carry fewer passengers or increase their accommodations. Substantially, section 42 takes the standards of accommodations already voluntarily established by the principal steamship lines, and requires other steamship lines to bring their accommodations up to such standards."

Mr. HAYES. That is it.

Mr. O'CONNELL. That is good.

Mr. HAYES. That is the way I understand it. You see, gentlemen, as I stated some little time ago, this proposition of modifying section 42 simply means that when the season is on, in the middle of the summer, we are going to let a few of these Mediterranean steamship companies stuff their holds just as full as they can of human beings, not that anybody else may be benefited, but in order that they may reap the profit that comes from it. That is all there is to it. That is all there is to the proposition.

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Mr. FRENCH. I understand that the people that come in this manner from the German countries and the northern countries of Europe will not at all accept the accommodations that are offered to these Mediterranean people.

Mr. HAYES. Not at all. They have better accommodations in any part of the year than this section 42 allows.

Mr. FRENCH. They demand them.

(After a further informal discussion:)

Mr. KÜSTERMANN. You have no statistics on the American ships, have you?

Mr. CHAMBERLAIN. No; the collector only sent me the figures as to seven. There are only six American ships, you know, and they do not seem to have been in port at the time.

Mr. SABATH. Any law that we pass here can not apply to English or German built boats, can it?

Mr. CHAMBERLAIN. Oh, certainly it does.

Mr. BURNETT. They can not come in unless they conform to our law.

Mr. SABATH. Of course, but I understood someone to say——

Mr. BURNETT. What was meant by the extract from the paper that Mr. French read was that they have already got their accommodations that way; and these little ships that come from the Mediterranean are about the only ones that will have to make any great change.

Mr. O'CONNELL. Let me ask, if you please, who introduced this bill, and at whose request it was introduced? Does the committee know?

Mr. BENNET. It was introduced by Senator Lodge.

Mr. O'CONNELL. On his own initiative, or for somebody else; do you know?

Mr. BENNET. I know nothing about it. It was as a result, I presume, of the hearings before our commission.

Mr. BURNETT. And the only people before us on that matter were the steamship people. We have heard from no charities, or leagues, or anything of that kind, that I have heard of.

Mr. BENNET. Simply from the steamship people and Mr. Chamberlain, who came at our request.

Mr. BURNETT. I mean we did not hear from any of the united charities, or anything of that sort, the people who want the accommodations and the humane treatment of the immigrants. I have not heard any of them ask for it.

Mr. BENNET. Let me ask you a question, Mr. Chamberlain. You referred to the *Majestic*. I think this is fully covered in the hearings before the commission. Suppose we let section 42 stand as it is, and that the definition of the main deck which you will find in the statute of 1855—that is, the flush deck which runs from end to end of the ship—is held to be the proper definition of the main deck; and suppose the *Majestic* cuts through a deck clear across so as to make the deck lower than a main deck: Would it be possible, under our section 42, if the *Majestic* did that (that is the only ship you have mentioned), for her to carry as many passengers as the British regulations would permit?

Mr. CHAMBERLAIN. Steerage passengers?

Mr. BENNET. Yes.

Mr. CHAMBERLAIN. I should think not, because under section 42, you know, which preserves the old main-deck rule, you can only carry them on the main deck and the decks below that. There is one advantage in the British law, in spite of the fact that it is British, and that is that the steerage passengers can be carried, under the British law, on the higher decks. As you gentlemen all know, the structure of ships has changed very materially since steel has come into use. Now a large part of the passenger accommodations are on the superstructures, which are really above the hull. They are not part of the hull of the ship. They are above it; they are houses, so called. Under our law the steerage passengers must be carried on the main deck or below it. The tendency of our law is to put them down into the hold. The tendency of the British law, on the other hand, is to start at the main deck and take them up in the air. And I venture to say again that, although it is British, that seems to me to be a rather desirable arrangement, and that is not an arrangement which can so readily be adopted under our law (and that feature of it is carried under section 42) as it could be under this proposition.

Mr. BURNETT. There is nothing in this British law, though, that requires it to be adopted. It is merely——

Mr. CHAMBERLAIN. Oh, no; it does not require it, but it can be done.

Mr. BURNETT. Exactly. That is, it is at the option of the steamship company whether they will do it or not, at last, is it not?

Mr. CHAMBERLAIN. Oh, yes.

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Mr. O'CONNELL. Well, is it done?

Mr. CHAMBERLAIN. Oh, yes. The first ship I have in mind, the *Samland*, is one of the very few American ships we have; I think it is a steerage passenger ship. They do not have first-class passengers, I think, at all.

Mr. O'CONNELL. You say the British ships can carry them up above?

Mr. CHAMBERLAIN. I say it is possible, under the British system, and it is impossible under ours, on account of the statute.

Mr. KÜSTERMANN. Do you really think that under section 42 they would not be allowed to put a steerage passenger into a second cabin room? Do you think there would be serious objection to it?

Mr. CHAMBERLAIN. Oh, no; because then he would go as a second-class passenger. But what I am speaking of is the steerage quarters generally. You can put a steerage passenger into the first-class cabin if you want to.

Mr. ADAIR. If they pay the other price.

Mr. HAYES. Do you maintain that under section 42 the ships would not be allowed to carry steerage passengers above the main deck?

Mr. CHAMBERLAIN. What does it say?

Mr. HAYES. It does not say so, as I read it. I have not seen anything to that effect.

Mr. CHAMBERLAIN. I think you will find it there, sir.

Mr. HAYES. It says they shall not carry them below a certain deck.

Mr. BURNETT. About the middle of page 15: "It shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned."

Mr. HAYES. Yes; that means lower.

Mr. O'CONNELL. What are you reading from?

Mr. BURNETT. Section 42 of the new law.

Mr. CHAMBERLAIN. What are the "decks above mentioned?" The "decks above mentioned" are the main decks.

Mr. HAYES. And the decks next below the main deck.

Mr. CHAMBERLAIN. And the next deck below. The main deck on these modern steel ships is fairly well down in the hold of the ship. Of course it has to be; they are so big. The main deck, of course, is the backbone. The ship is built below it and above it, and the best quarters nowadays are above it. In 1882 there were but very few steel ships. They were almost all iron ships, and relatively small. This question of the main deck was submitted to the collector of customs at New York for an adequate definition, and there were nine answers turned in, no two of which agreed.

Mr. HAYES. Then that is one defect of section 42?

Mr. CHAMBERLAIN. It is one defect of the existing law carried on into section 42.

Mr. HAYES. Yes. Are there any others?

Mr. CHAMBERLAIN. You see, if you will compare section 42 with the act of 1882 you will notice that the difference is in those figures.

Mr. HAYES. Yes; I know that. Are there any others that ought to be corrected, aside from that?

Mr. CHAMBERLAIN. Oh, that is the structural defect.

Mr. HAYES. Are there any other defects?

Mr. BENNET. How about "unencumbered cargo space?" Ought that to be better defined?

Mr. CHAMBERLAIN. There is no particular difficulty about interpreting that that I ever came across. There is the further point as to whether the hospital spaces are included or excluded in the amount of space allowed—whether they are "general room," so to speak. You may have noticed that that matter was passed on, so far as the hospital spaces were concerned, some years ago. That is quoted at the end of that Senate report.

Mr. HAYES. Yes; I have not the report, but we can get it. But just make your statement, Mr. Chamberlain. That is what I want, and I presume the committee would like to have it, too—your opinion as to other defects in this section 42, which, I understand from you, is the same as the law of 1882, and that is my understanding.

Mr. CHAMBERLAIN. I think it would be desirable to make it clear whether those general spaces are to be included or excluded.

(After a further informal discussion:)

Mr. HAYES. I should like to ask Mr. Chamberlain if he has any other thing in mind that is uncertain or imperfect about section 42.

Mr. CHAMBERLAIN. Those are the two points that are of the most consequence, it seems to me.

The CHAIRMAN. Mr. Chamberlain, we are very much obliged to you.

Mr. CHAMBERLAIN. I am very much obliged, Mr. Chairman, for the courtesy of all the members of the committee.

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4. ABSTRACT OF REPORT, COMMITTEE ON IMMIGRATION AND NATURALIZATION HOUSE OF REPRESENTATIVES, ON THE BILL S. 5063, WITH VIEWS OF THE MINORITY.

[H. Rept. No. 1566, 60th Cong., 1st sess., April 20, 1908.]

The Committee on Immigration and Naturalization, to whom was referred the bill (S. 5083) "to amend section one of the passenger act of eighteen hundred and eighty-two," report the same back with amendments, and recommend that when so amended the bill do pass.

* * * * * * *

Briefly, the more recent history of legislation relative to air space on vessels is as follows:

In 1882 a bill was passed which provided that each immigrant should have 100 cubic feet of space on the main deck and the deck below and 120 cubic feet on the second deck below the main deck. When the immigration bill was before the conference committee in the Fifty-ninth Congress, the measurements were changed from 100 cubic feet to 18 clear superficial feet, and from 120 cubic feet to 20 clear superficial feet, respectively, and the further provision was made increasing the measurements to 30 clear superficial feet on decks less than 7 feet in height and having less than a certain size of apertures for the admission of light and air. It was the intention of the conference committee, as shown by the statement of the House conferees attached to the conference report, to increase the air space about 25 per cent, but as a matter of fact the average height between decks being 8 feet, the air space was increased something more than 40 per cent.

The provision, as agreed to by the conferees, was subsequently adopted by Congress and became section 42 of the act of February 20, 1907 (34 Stat. L., pt. 1, p. 898), and is as follows:

"SEC. 42. It shall not be lawful for the master of a steamship or other vessel whereon immigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein eighteen clear superficial feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and twenty clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel: *Provided*, That if the height between the lower passenger deck and the deck immediately above it is less than seven feet, or if the apertures (exclusive of the side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, the ship shall not carry a greater number of passengers on that deck than in the proportion of one passenger to every thirty clear superficial feet thereof. It shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned. And in sailing vessels such passengers shall be carried or brought only on the deck (not being an orlop deck) that is next below the main deck of the vessel, or in a poop or deck house constructed on the main deck; and the compartment or space, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow one hundred and ten cubic feet for each and every passenger brought therein. And such passengers shall not be carried or brought in any between decks, nor in any compartment, space, poop, or deck house the height of which from deck to deck is less than six feet. In computing the number of such passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in any such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation. The master of a vessel coming to a port or place in the United States in violation of either of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of passengers other than cabin passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number

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allowed to be carried or brought therein, respectively, as hereinbefore prescribed, the said master shall be fined fifty dollars for each and every passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

"This section shall take effect on January first, nineteen hundred and nine."

It will be noted that section 42 of the act of February 20, 1907, as well as the act of 1882, contain these provisions: "The compartments or spaces, unobstructed by cargo, stores, or goods" and the words "main deck," and that both provide for carrying immigrant passengers on the main deck and the two decks below it only. In ordinary acceptation the main deck is the highest continuous deck reaching from end to end of the ship, and when ships have but two or three decks its situation could not well be changed. Now with ships having from six to ten decks it rests very largely with the steamship companies as to how high in the ship the main deck shall be, as by cutting completely across the deck it ceases to be the main deck, and the act being a penal one will, under familiar rules, be construed most strongly against prosecution and in favor of the defendant charged with crime. The words "space unobstructed by cargo" have also been the subject of dispute, and the only time they were construed in court they were construed against the contention of the Government. In that particular case the court held that evidence of the dimensions of the ship's hospital should have been admitted in evidence in determining the amount of unobstructed cargo space. It would seem from this that if the question were ever brought into court the space allotted to dining rooms, lounging rooms, etc., being space certainly unobstructed by cargo, would have to be included in the space allowed either in the act of 1882 or section 42 of the act of 1907. It being evident from the adoption of section 42 that the American Government had adopted the policy of increasing the amount of air space given to each immigrant, the British authorities took up the subject and adopted regulations increasing the amount of space required for steerage passengers on their ships and changing the designation of decks from which computation was to be made from the uncertain main deck to the "lowest passenger deck," which is defined in the British regulations as being the deck next below the water line, and, therefore, a certain, definite deck, and permitting the carrying of steerage passengers on the lowest passenger deck and on every deck above.

They also provided for a minimum of 15 superficial feet on each passenger deck for each immigrant, and in addition 5 feet of space for each passenger on a promenade deck—20 feet in all, or 2 feet more than is provided by section 42 of the act of 1907. On the lowest passenger deck 18 feet was the minimum. The regulations also contained these new and desirable features, which are not contained either in the act of 1882 or in section 42 of the act of 1907; that is, the minimum allowance for cabin passengers of all kinds; a provision forbidding the carrying of passengers on more than one deck below the water line. (Under section 42 of the act of 1907 it is permissible to carry passengers on any deck so long as it is not lower than two decks below the main deck, and passengers can thus be carried, and are carried, on westbound ships on cargo decks which on eastbound trips are occupied by cattle.)

Another provision prevents the carriage of steerage passengers on the lowest passenger deck at all, unless it is "efficiently lighted by side scuttles and otherwise to the satisfaction of the inspector."

The fact that public rooms, lavatories, etc., can be included in the measurement is definitely stated. There is a minimum of space established which must be given to each passenger for sleeping purposes.

These provisions, redrafted by the Commissioner of Navigation and acquiesced in by the representatives of the American and foreign steamship lines, were unanimously reported from the Senate Committee on Immigration and the bill unanimously passed by the Senate. In the House committee the space allotted to each immigrant has been increased and a provision inserted requiring the companies to furnish "commodious and suitable dining rooms, lounging rooms, smoking rooms, lavatories, toilet rooms, and bathrooms" for the "exclusive use of steerage passengers."

Assuming each deck to be 8 feet, which is the average, and assuming an 8-foot line above the promenade deck, each steerage passenger will have 184 cubic feet of air space, and those on the lower deck will have 208 cubic feet of air space. It will thus be seen that this is the best bill for immigrants which has ever been reported from any committee in the American Congress.

Attached hereto are a memorandum from the Commissioner of Navigation and the very excellent and exhaustive report from the Senate Committee on Immigration.[a]

[a] For report of Senate Committee on Immigration, see p. 434.

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The memorandum of E. T. Chamberlain, Commissioner of Navigation, with reference to decks, is as follows:

DECKS GENERALLY.

Section 42 required 18 square feet on all decks but the lowest. Under our practice we should have excluded dining rooms, etc. (on ships which had them), until a case was decided by the courts. In that event I think the court would have decided against us as it did in the hospital case, and we should have been compelled to include dining rooms, etc.

Under the bill as your committee has amended it, on all decks but the lowest, 18 square feet are also required; but your committee says 15 superficial feet for sleeping, leaving 3 superficial feet per passenger for dining rooms, etc., which are obligatory.

So far as ships having dining rooms, etc., are concerned, on all decks except the lowest your proposition works out the same as section 42 would, assuming the courts applied the decision in the hospital case to dining rooms, etc.

So far as ships without dining rooms, etc., are concerned, your bill is very much better than section 42, because under section 42 the entire 18 feet would doubtless continue to be used for sleeping only, as steamships would spend as little as possible on comforts if required to have 18 superficial feet. Under your bill they must have dining rooms, etc., and your bill gives them 3 feet out of 18 for that purpose.

Example: Say a ship had 18,000 superficial feet. That would carry 1,000 steerage passengers under section 42 of your bill. Under your bill 3,000 feet would have to be set apart for dining rooms, etc. Under section 42 the ship, you may be sure, would rip out these comforts if she had them, unless the courts decided as in the hospital case. If she did not have them under section 42 she would not put them in.

SPECIAL PROVISIONS.

There are practically no steerage decks under 7 feet height (only 2 out of 465 decks examined last year). The provisions about decks under 7 feet are really prohibitory. They would not be any more prohibitory if you required 1,000 superficial feet at page 4, line 3, instead of 30.

LOWEST DECK.

On the lowest deck section 42 required 20 superficial feet; your bill calls for 21 superficial feet. Under section 42 in 1,000 superficial feet of course 50 steerage passengers could be carried; under your bill, 47 grown persons and 1 child.

The qualifications I have made as to other decks (dining rooms, bathrooms, etc.) apply, of course, to the lowest deck, so I need not repeat them.

I can not for the life of me understand how any man can for a moment prefer section 42 to your bill. Your bill deals with the "main deck" matter which is structurally important, especially to big modern steamers.

Your bill gives the steerage passengers some show to get on the upper decks. Like our act of 1882, section 42 sends the steerage passengers down into the ship as far as possible. * * *.

VIEWS OF THE MINORITY.

[H. Rept. No. 1566, pt. 2, 60th Cong., 1st sess., May 4, 1908.]

Mr. Burnett, from the Committee on Immigration and Naturalization, submitted the following as the views of the minority (to accompany S. 5083):

We, the undersigned members of the House Committee on Immigration and Naturalization, beg to dissent from the conclusion of the majority of said committee to favorably report S. 5083 with amendments.

This bill proposes to amend section 42 of the new immigration law, approved February 20, 1907, the purpose of which is to provide greater air space and better accommodations for immigrants. Section 42 does not take effect till January 1, 1909, thus giving the steamship companies ample time to change the construction of their vessels, if necessary, so as to conform to the new law.

Under the law as it now exists the herding together of people who travel in the steerage has been the cause of untold suffering, misery, and death among those who have to travel that way. Anyone who has ever witnessed the plight of those who have to travel in the steerage of the large steamships bringing people to America is bound to be shocked at the brutal and even murderous conditions under which many of them have to travel. We will give one quotation from the report of Commissioner

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Watchorn, who has charge of the station at Ellis Island. Referring to section 42, he says:

"It is a matter of regret that that portion of the act of February 20, 1907, relating to improved conditions on passenger ships was not made operative earlier than 1909. During the year just closed 1,506 children have been received at this station afflicted with measles, diphtheria, and scarlet fever, all of which diseases are due, more or less, to overcrowding and insanitary conditions. Of this number, 205 died. This indicates a state of affairs which surely ought to be remedied before 1909, and I respectfully urge that such steps as may be deemed necessary to hasten the going into effect of this humane provision of law may be given the fullest consideration of the bureau."

Now, before section 42 has gone into effect or has been given any trial at all the steamship officials and agents come to Congress and ask a change of this section so as to lessen the area allowed each immigrant.

The Commissioner of Navigation, Mr. Chamberlain, who appeared before our committee, stated that Senate bill 5083 increases the space over the act of 1882 and decreases it from what was provided in section 42 of the new immigration law. He says on page 6 of his hearing:

"It is about halfway between."

After our new law was passed the British Board of Trade passed a resolution substantially the same as Senate bill 5083, and the steamship companies now come to Congress and ask us to amend our law so as to conform to the British Board of Trade regulations, and the Commissioner of Navigation urges the same becausea, mong other things, he says it will be to the advantage of the steamship companies to do so.

Most of the ships were conforming to the British trade regulations when they helped to bring about the conditions above quoted from Commissioner Watchorn.

We concede that the amendments put on this bill by the House Committee on Immigration make it a great improvement on the Senate bill, and in some respects is probably an improvement on section 42, but fearing the result of an effort to pass this bill through the House, even as amended, may put us back in the clutches of the steamship companies, we believe it dangerous to try to pass the bill through the House even as amended.

We know what are frequently the results of the deliberations of conference committees, and we believe that, imperfect as section 42 is, we had better give it a fair trial than to begin to change it without knowing where we will land. Should we go back to the Senate bill, the conditions referred to by Commissioner Watchorn will be reinstated—the steamship companies will continue their cruelties to helpless immigrants who fall into their hands. This is not a question of restriction, for the steamship companies will conform rather than lose the price of the passage of the immigrant, but it is a question of forcing these heartless corporations to have greater care for the lives of those who can not protect themselves against their greed.

If, through conference or otherwise, the steamship companies accomplish their wicked purpose, we are not responsible for the results, and here serve notice on our colleagues on the committee who voted to report this bill and on our colleagues in the House who vote for its passage that on your hands, and not ours, will be the evil results of those who suffer by it. We believe this bill with its amendments will not be passed at this session of Congress, and that at the next session the steamship companies will make that fact a pretext for asking us to extend the time within which they may prepare their ships for the new law, and that as a final outcome they will have the law passed just as they want it.

These are some of the reasons why we are unwilling to report the bill, although were we sure that the bill would become a law as we have amended it we would give it our indorsement.

Respectfully submitted.

JOHN L. BURNETT.
JOSEPH F. O'CONNELL.
A. J. SABATH.

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APPENDIX C.

STEERAGE LAWS AND REGULATIONS OF OTHER COUNTRIES.

1. Great Britain.
2. Germany.
3. Italy.

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APPENDIX C.

STEERAGE LAWS AND REGULATIONS OF OTHER COUNTRIES.

1. GREAT BRITAIN.

[Regulations made by the board of trade under section 17 of the merchant shipping act, 1906.]

Under the provisions of section 17 of the merchant shipping act, 1906, the board of trade hereby make the following regulations as to the number of persons carried on emigrant ships, and as to the accommodation of steerage passengers, in substitution for those contained in the tenth and eleventh schedules of the merchant shipping act, 1894, and prescribe the following conditions for the carriage of cattle in emigrant ships, in substitution for those contained in the thirteenth schedule to that act. The board direct that these regulations and conditions shall come in force on January 1, 1908:

Regulations as to the number of persons carried on emigrant ships.

1. For the purpose of these regulations the expression "lowest passenger deck" means the deck next below the water line; and the expression "passenger deck" includes every deck or portion of a deck which is above the lowest passenger deck and is appropriated for passengers.

2. No steerage passengers may be carried on the lowest passenger deck unless it is efficiently lighted by side scuttles and otherwise to the satisfaction of the emigration officer.

3. No greater number of steerage passengers may be carried on the lowest passenger deck than in the proportion of one statute adult to every 18 clear superficial feet allotted to their use.

If, however, the height between the lowest passenger deck and the deck immediately above it is less than 7 feet, and the apertures, exclusive of side scuttles, through which light and air are admitted are less in size than in the proportion of 3 square feet to every 100 superficial feet of that deck, no greater number of steerage passengers shall be carried on that deck than in the proportion of one statute adult to every 25 clear superficial feet thereof.

4. No greater number of steerage passengers may be carried on a passenger deck than in the proportion of one statute adult to every 15 clear superficial feet of deck allotted to their use.

If, however, the height between any passenger deck and the deck immediately above it be less than 7 feet, no greater number of steerage passengers may be carried on that deck than in the proportion of one statute adult to every 18 clear superficial feet thereof.

5. An emigrant ship, whatever be the superficial space of the passenger deck and of the lowest passenger deck, shall not carry a greater number of steerage passengers, on the whole, than in the proportion of one statute adult to every 5 superficial feet of air or promenade space provided on a deck so open as not to be included in the tonnage and approved by the emigration officer, and this space shall not be counted or included in the area available for any other passengers.

6. In the measurement of the passenger decks and of the lowest passenger deck, the space occupied by (that part of) the personal luggage of the steerage passengers (which the emigration office permits to be carried there) shall be included, and also any space occupied by public rooms, lavatories, and bathrooms, exclusively appropriated to the use of the steerage passengers. Provided that—

(a) The space in any place appropriated to the use of steerage passengers in which they sleep shall not be less than 15 superficial feet in the case of the lowest passenger deck and 12 superficial feet in the case of a passenger deck.

(b) Each space so included in the measurement must be clearly marked to the satisfaction of the emigration officer as being exclusively appropriated for the use of steerage passengers.

7. Each separate compartment in which steerage passengers are berthed shall be conspicuously marked, showing the total area.

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Regulations as to the accommodation for steerage passengers.

DEFINITION.

1. For the purpose of these regulations the expression "lowest passenger deck" means the deck next below the water line; and the expression "passenger deck" includes every deck or portion of a deck which is above the lowest passenger deck, and is appropriated for passengers.

CONSTRUCTION OF DECKS.

2. The passenger decks and the lowest passenger deck shall form part of the permanent structure of the ship, and shall be of adequate strength in the judgment of the emigration officer.

If a deck is entirely of wood, it shall be properly fastened and calked, and be continuous from side to side of the compartment in which the steerage passengers are berthed.

If a deck be of iron or steel, the part used by passengers must be covered, to the satisfaction of the emigration officer, either with wood sheathing closely, and securely fitted, or with a nonconducting composition approved by the Board of Trade.

3. The height between that part of any deck on which steerage passengers are carried and the deck immediately above it shall not be less than 6 feet.

BERTHS.

4. Each berth shall be conspicuously numbered.

5. There shall not be more than two tiers of berths on any one deck. The interval between the deck and the lower side of the berth immediately above it shall not be less than 12 inches, except in the case of the permanent fittings of ships existing at the time this regulation comes into force. The interval between each tier of berths and between the uppermost tier and the deck above it shall not be less than 2 feet 6 inches.

6. The berths shall be securely constructed and of dimensions not less than 6 feet in length and 22 inches in breadth for each statute adult, and shall be sufficient in number for the proper accommodation of all the steerage passengers. The provision as to breadth is not to apply in the case of the permanent fittings of ships existing at the time this regulation comes into force.

7. No part of any berth shall be placed in close contact with the partition of any water-closet or urinal erected in the 'tween decks unless such partition is gastight.

8. All male steerage passengers of the age of twelve years and upward (except those who occupy berths with their wives), shall, to the satisfaction of the emigration officer at the port of clearance, be berthed in a compartment divided off from the space appropriated to the other steerage passengers by a substantial and well-secured bulkhead; or, if the ship is fitted with inclosed berths, in separate rooms.

9. Not more than one steerage passenger, except in the case of husband and wife, or females, or children under the age of 12 years, shall be placed in or occupy the same berth.

10. Berths occupied by steerage passengers during the voyage shall not be taken down until twenty-four hours after the arrival of the ship at the port of final discharge, unless all the steerage passengers have voluntarily quitted the ship before the expiration of that time. The master of the ship shall alone be liable to a fine for breach of this regulation.

HOSPITALS.

11. Sufficient space shall be set apart in every emigrant ship for use exclusively as hospital accommodation for the steerage passengers, being properly divided off from other living quarters to the satisfaction of the emigration officer at the port of clearance. At least one hospital shall be set apart for infectious diseases.

12. The spaces set apart for such hospital accommodation shall be on or above the uppermost passenger deck, and shall be placed to the satisfaction of the emigration officer at the port of clearance. The space set aside as an infectious hospital shall be in as isolated a situation as possible.

13. The space so set apart shall contain not less than 18 clear superficial feet for every 50 steerage passengers whom the ship carries; and shall be fitted with bed places, and supplied with proper beds, bedding, and utensils to the satisfaction of the emigration officer at the port of clearance, and shall, throughout the voyage, be kept so fitted and supplied. In no case shall the hospital space be less than 100 superficial feet, but in vessels where the steerage passengers do not exceed 200 in number there need not be more than two hospitals, including the one for infectious cases.

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WATER-CLOSETS.

14. Every emigrant ship shall be provided to the satisfaction of the emigration officer at the port of clearance with water-closet accommodation which shall be at least sufficient to provide four water-closets for every hundred passengers up to 300 passengers and two water-closets for each additional hundred passengers beyond that number.

The water-closets shall be placed on a passenger deck other than the lowest as required by the emigration officer.

Separate water-closets shall be apportioned to, and conspicuously marked for, the use of males and females.

In addition, urinals shall be provided for the male passengers.

15. All such water-closets shall be firmly constructed, properly lighted and ventilated, and maintained in a serviceable and cleanly condition throughout the voyage, and shall not be taken down until the expiration of twenty-four hours after the arrival of the ship at the final port of discharge, unless all the steerage passengers quit the ship before the expiration of that time.

16. The master of the ship shall alone be liable to a fine for breach of the regulations as to water-closets.

LIGHT AND VENTILATION.

17. Every emigrant ship shall be supplied with such provision for affording light and air to the passenger decks as the circumstances of the case and the conditions of the service intended may, in the judgment of the emigration office at the port of clearance, require.

Conditions for the carriage of cattle in emigrant ships.

1. For the purposes of these rules the expression "cattle" includes both sexes of horned cattle, deer, horses, and asses; and four sheep of either sex or four female goats shall be equivalent to, and may, subject to the same conditions, be carried in lieu of, one head of cattle.

2. In emigrant sailing ships there shall not be carried as cargo more than one head of cattle for every two hundred tons of the ship's gross tonnage, nor more in all in any emigrant sailing ship than ten head of cattle.

3. No cattle shall be carried below any deck on which steerage passengers are berthed.

4. Cattle shall not be carried in any compartment in which steerage passengers are berthed, and cattle shall not be carried in any adjoining compartment, except in the case of ships built of iron or steel, where the compartment containing the passengers and the compartment containing the cattle are separated by an iron or steel bulkhead which is proof against the passage of both water and effluvium, and is also sealed on the passenger side with a felt and wood lining.

5. Cattle shall not be carried on any deck next above a deck on which steerage passengers are berthed unless the portion of deck occupied by the cattle is more than 2 feet distant longitudinally from that portion of the deck which forms the top of a steerage passenger's compartment.

6. If cattle be carried on a weather deck, no portion of the deck abreast of the place where the cattle are carried shall be reckoned as air or promenade space for the steerage passengers, unless it is separated from such cattle by a deckhouse or substantially built bulkhead; and the adjoining promenade space provided for the steerage passengers within 50 feet of the cattle shall be reckoned at the rate of 8 superficial feet per statute adult.

7. In the case of steamships having the machinery space dividing the vessel's hold and 'tween decks and a bridge erection dividing the promenade decks, if passengers are carried only in one portion of the ship—that is, either before or abaft the machinery space—then, notwithstanding anything contained in these rules, as many cattle may be carried in the other portion of the ship as can be conveniently and properly housed therein to the satisfaction of the emigration officer; provided that the promenade space allotted for the steerage passengers in a case of this kind shall be equal to 5 superficial feet per statute adult and shall be situated entirely in that portion of the ship in which the passengers are berthed.

8. Proper arrangements shall be made to the satisfaction of the emigration officer for the housing, maintenance, and cleanliness of the animals and for the stowage of their fodder.

9. Not more than twelve dogs and no pigs or male goats shall be conveyed as cargo in any emigrant ship without the special permission of the board of trade.

September 6, 1907.

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2. GERMANY.

[Extracts from the Emigration Laws of the German Empire, translated from page 244 et seq. of "Das Reichsgesetz über das Auswanderungswesen vom 9. Juni 1897, nebst Ausführungsverordnungen unter Benutzung amtlicher Quellen erläutert von P. Goetsch. Berlin. Carl Heymanns Verlag. 1898."]

II. *Equipment and furnishing of emigrant ships for the accommodation of emigrants.*

CARRYING CAPACITY.

SEC. 6. No vessel shall be employed as an emigrant ship until the apartments intended for emigrants have been measured by the inspectors and the number of persons who may be carried definitely fixed. This permit is applicable also for the later voyages of the ship as long as no alterations are made in these apartments. Any alteration shall be reported by the management to the emigration officials without delay, in order that new measurements may be made.

The number of persons which the inspectors have decided to be the capacity of every room must be displayed in each on a metal shield, engraved or in a durable paint.

AMOUNT OF REQUIRED AIR SPACE.

SEC. 7. For every person traveling on the steerage deck, including those who may be taken on board on the way, there shall be a space of at least 2.85 cubic meters (100.65 cubic feet) not diminished below that by cargo, baggage (not including hand luggage), or provisions. In calculating this space, a deck height of more than 2.40 meters (7.87 feet) will be reckoned only as 2.40 meters. In addition there shall be a free space on deck of at least 0.25 square meter (2.69 square feet) for the use of every steerage passenger.

REQUIREMENTS AS TO THE STEERAGE DECK.

SEC. 8. The deck intended for the accommodation of emigrants must be situated sufficiently high that the side windows during the voyage shall be above the water line. It shall have a height of at least 1.83 meters (6 feet) between decks and a thick floor of sufficient strength.

In case the upper deck of the ship is of iron the rooms immediately under the same may be used for the accommodation of emigrants only when the iron deck is provided with a wooden protecting deck with a thickness of at least 7 centimeters (0.23 foot) and firmly bolted on.

Above the rooms intended for the accommodation of emigrants no cattle shall be taken as cargo.

ENTRANCES.

SEC. 9. The entrances from the deck to the rooms for the emigrants shall be provided with tight-fitting hatches of sufficient height or some similar contrivance.

Out of every apartment on the steerage deck situated between fixed partitioned walls a stair, at least 0.80 meter (2.62 feet) broad and furnished with solid banisters, shall lead directly to the deck, and it shall be situated in a light place. In the event that such an apartment contains more than one hundred persons, there must be such a stair for every hundred; if the apartment contains more than four hundred persons, then there must be a stair for every one hundred and fifty persons, but in no event less than four stairs.

LIGHTING.

SEC. 10. On the deck intended for the accommodation of emigrants sufficient daylight shall be let in for all necessary occupations. The light may be let in through side windows and also from above.

From sunset until sunrise these rooms shall be properly lighted, and for every hundred persons at least two strong lights shall be provided. Illumination with open lights, or with explosive substances, such as petroleum, alcohol, acetylene and the like, is prohibited. In case electric lights are used two emergency lights must be kept burning in every apartment of the steerage deck.

VENTILATION.

SEC. 11. For each of the apartments designated in section 9, paragraph 2, there shall be two ventilators with a diameter of at least 30 centimeters (0.9842 foot), of which one shall serve for the inflow and the other for the outflow of air, and which shall

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extend sufficiently high over the deck that the air may have uninterrupted entrance and outlet. The lower end of the ventilator must be so situated that the cold air does not blow directly on the sleeping berths. If more than one hundred persons are accommodated in any apartment, then, by order of the inspector or of the examining physician, either the number of the ventilators shall be correspondingly increased or the diameter made correspondingly greater.

Other arrangements for ventilation are permissible in case, in the judgment of the inspector or of the examining physician, a similar result can be obtained.

HEATING.

SEC. 12. The rooms of the emigrants must be heated in cold weather, and for this purpose provided with safe heating apparatus of sufficient capacity. The emigration officials may permit exceptions.

SLEEPING BERTHS.

SEC. 13. There must be a sufficient number of sleeping berths, provided with mattresses, pillows, and covers for every emigrant. These bed clothes must be thoroughly cleaned and disinfected after every voyage. The individual berths must be separated from one another by low partitions; each berth must be at least 1.83 meters (6 feet) long and 0.60 meter (1.97 feet) wide, but there can be double berths of double width without any dividing partition. Not more than two berths can be placed over one another. The lower berth must be at least 0.15 meter (0.49 foot) from the floor, and the upper berth at least 0.75 meter (2.46 feet) from the ceiling of the room. A single berth may be used by only one person over ten years of age or by two children under ten years of age; a double berth by not more than two women, or one woman with two children under ten years of age, or a married couple, or a man with two of his own children under ten years of age, or two men.

To facilitate admittance to the berths, there shall be passages of a breadth of at least 0.60 meter (1.97 feet).

In every apartment there must be at least one portable ladder for the mounting of the upper berths for every one hundred of such berths.

The sleeping berths must be provided with successive numbers, easily distinguished.

PROVISIONS FOR SEATING AT MEALS.

SEC. 14. There must be a sufficient number of tables and benches provided on the steerage deck for the partaking of meals.

The space which these articles of furniture occupy will not be deducted from what is prescribed in section 7.

CABINS.

SEC. 15. The rooms which may be located on the steerage deck must be so arranged that between them and the corresponding section of the steerage deck there shall be an unobstructed ventilation. The rooms and said space are, furthermore, to be provided with sufficient ventilating apparatus. Section 12 applies to heating and section 7 to air space, with the rule applying, that the remaining space in the section of the steerage deck in question will be reckoned with the rooms, so far as it is left free for the use of the emigrants, and is not occupied by cargo, baggage (aside from hand luggage) or provisions. The rooms and such available outside space shall be, by day as well as by night, sufficiently lighted for necessary occupations. In case electric lights are used, a sufficient number of emergency lights must be kept burning outside of the rooms. The provision in section 10, paragraph 2, prohibiting the employment of certain lighting materials is likewise in force here.

APARTMENT FOR WOMEN.

SEC. 16. Female emigrants who are traveling without the escort of husbands or parents are to be accommodated in a separate apartment. (Sec. 9, paragraph 2.) On request, any other female emigrant [a] also must be accommodated in this apartment. Women may take boys less than ten years of age with them into this apartment.

[a] Also a married woman traveling in company with her husband when she prefers to travel in the woman's apartment.

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In case there are more than twenty-five female emigrants in the apartment set aside for women, there must be a female attendant,[a] who shall be responsible for the maintenance of order as well as for service and assistance, and who shall pass the night in that apartment.

This apartment for women to be provided with a door which can be locked, and is to be as far removed from the men's apartments as the space on the ship allotted to emigrants permits.[b]

APARTMENT FOR MEN.

SEC. 17. All male emigrants over the age of fourteen years who are not traveling with their wives shall also be accommodated in a separate apartment which is to be provided with a door that can be locked.

ROOMS FOR WOMEN AND MEN.

SEC. 18. When the number of emigrants is smaller, provisional rooms can be provided inside of the apartments, in place of the separate apartments for men and women; but such provisional rooms must be provided with doors that can be locked. The provisions of section 15 are applicable to these rooms.

PROVISIONS AS TO WASHING AND BATHING FACILITIES.

SEC. 19. For the exclusive use of the emigrants there must be at least two wash rooms, one for the male and one for the female emigrants, of sufficient size to correspond to the number of persons, and furnished with the proper utensils for washing. On steamships these rooms shall be provided with water pipes or pumps. The requirements as to wash rooms may be waived so far as the emigrants are furnished with these facilities in their rooms and where in every room, for every six persons accommodated therein, there is provided at least one stationary washing apparatus.

Every ship crossing as far south as the 30° of north latitude shall have a bathing or shower bath appliance.

Fresh water shall be furnished to the emigrants in sufficient quantity for washing purposes.

TOILETS.

SEC. 20. There shall be toilets in such number that for every fifty male and for every fifty female emigrants there shall be at least one for their exclusive use. The toilets set apart for the male and those for the female emigrants shall, when possible, be situated on different sides of the ship. The toilets shall be separated from the living rooms of the emigrants by a thick partition or in some other appropriate manner.

The floors and walls of the toilets shall be made impenetrable against air and water by a coat of oil paint and cement or in some other appropriate manner. The toilets must be well ventilated and be well lighted by day and by night.

HOSPITALS.

SEC. 21. On every ship there shall be at least two rooms set aside for the use of the sick, the one for the male, the other for the female emigrants. The sick rooms must contain 10 cubic meters (353.15 cubic feet) of air space for every hundred persons. They shall not be considered in the reckoning of the space allotted to the travelers in sections 7, 15, and shall only be occupied to the extent that there shall be at least 5 cubic meters (176.57 cubic feet) of air space for every person who shall be therein. In case of more numerous cases of sickness the ship's captain shall provide for further space apart.

EQUIPMENT OF THE SICK ROOMS.

SEC. 22. The sick rooms shall be situated as favorably as possible, with particularly good appliances for lighting, ventilating, and heating, and provided with a door which shall be of sufficient breadth that a sick person may be carried in. In proximity to the sick rooms there must be a separate apparatus for bathing for the sick and two toilets. The walls of the sick rooms are to be provided with a coat of oil paint, and the floor is to be made water tight by a coat of oil paint or some other means.

The rooms shall contain: For every hundred persons at least two berths with mattresses, pillows, covers, and two changes of linen; further, a requisite supply of clothing for the sick, an operating table, a washing place for the doctor, and, in case there is

[a] She may be employed from the number of the emigrants.
[b] Compare Sec. 70, Item 2.

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no bath room near at hand, a bath tub; further, water holders with sufficient water. The berths shall have on at least one side and for their entire length a free space of at least 1 meter (3.28 feet) in width. With the exception of the side rails they shall not be of wood. The upper berths, whenever they are fixed on the walls, shall be constructed to close up. At every berth there shall be a holder for drinking glasses and medicine bottles, as well as glasses for urine and spittle.

DESIGNATION OF THE ROOMS.

SEC. 23. The exits to the decks, the separate apartments, rooms, wash rooms, toilets, and sick rooms are to be indicated by means of placards, which in the case of rooms intended exclusively for the use of men or women are to have that fact plainly marked.

III. *The feeding of the emigrants.*

MAINTENANCE.

SEC. 24. Their maintenance shall not be left to the emigrants. At least three times daily regular meals shall be prepared for them, with suitable variation. They shall be delivered to them in accordance with the regulations as to the quantity of provisions to be carried. The prescribed amount of drinking water and the necessary utensils for eating and drinking are also to be provided.

COOK.

SEC. 25. On every ship there shall be at least one experienced cook for the emigrants.

When their number is more than one hundred, either an assistant cook is to be appointed or several capable passengers shall be designated to assist the cook.

The cook must be thoroughly familiar with the German language.

UTENSILS.

SEC. 26. Every ship shall be equipped with all necessary utensils for the preparation and service of food, as well as a correct pair of scales and weights. One of the utensils shall be used only for the boiling of water and the making of tea and coffee.

WATER, PROVISIONS, ETC.

SEC. 27. Every ship shall carry water and provisions, fuel, and lighting materials for the longest probable duration of the voyage in the quantities designated in Appendix A.[a] Upon every package of provisions or cask shall be distinctly marked the contents and the net weight, indicating the quantity.

The emigration officials may give permission for certain quantities of provisions and water to be taken on board on the way. For this purpose the ship's management must lay before the emigration officials a list in duplicate of such articles showing clearly where they will be taken on board. When the lists have been approved by the emigration officials they shall be given back to the management.

In individual cases the emigration officials may give permission that a smaller quantity of water than that called for in Appendix A shall be taken along on a sailing vessel; provided, that there is a good apparatus for distilling water on the ship which in the course of twenty-four hours can produce for every one of the crew and all the travelers as much drinking water as is required per day per man in accordance with Appendix A.

The periods indicated in Appendix B apply as to the longest probable duration of the voyage. If after the emigrants are taken on board the departure of the ship is delayed longer than one week, the provisions must be replenished in an amount corresponding to this delay.

WATER.

SEC. 28. For the preservation of the water iron receptacles shall be supplied, provided on the inner side with a coat of cement or other suitable material. A coating of red lead is prohibited.

Steamships must be provided with a good apparatus for the distillation of fresh water, which in the course of twenty-four hours can furnish 5 liter (10.56 pints) of drinking water for each of the crew and travelers.

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[a] Appendixes not translated.

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IV. *Service and care of the sick.*

ATTENDANTS.

SEC. 29. On every ship there must be for every hundred emigrants at least one attendant, male or female. There must always be a female attendant when there are as many as twenty-five female emigrants. It shall be the duty of the attendants, male and female, to attend to the proper cleaning, ventilation, and disinfection of the apartments devoted to the emigrants and to care for the emigrants in these respects.

The attendants, as a rule, are not to be called on for other kinds of ship's service.

SHIP'S DOCTOR.

SEC. 30. Every ship must have on board an approved, capable doctor whose duty it shall be to care for the emigrants without charge. He must personally prove his ability and worth for the post of ship's doctor to the emigration officials and the examining physician. The ship's doctor is to be provided with a letter of appointment, a copy of which is to be returned to the emigration officials. He must keep a sick list and a day book. In the sick list must be given the names of the sick, the nature and duration of the illness, and a statement as to whether the patients were taken into the sick room. In the day book all important facts are to be noted as to the health of the emigrants and the causes injuriously affecting their physical welfare. At the end of the voyage the ship's doctor must certify in writing in the day book that he has fully entered all data required. Upon the return of the vessel from its voyage the sick list and day book are to be immediately turned over through the management to the examining physician. On demand of the examining physician the ship's doctor must also personally appear before him.

SICK ATTENDANTS.

SEC. 31. On every ship there must be carried at least one person immune from seasickness, especially for the care of the sick. In case of an increased number of emigrants the emigration officials can require the employment of more attendants for the sick. These officials can also require, according to circumstances, the employment of one or more female attendants for the sick female emigrants.

The duty of these attendants, under the oversight of the ship's captain and ship's doctor, is to care for and wait upon the sick. They may be employed in the regular work of the ship only by special direction of the captain and only in so far thus employed as is compatible with their duties to the sick.

MEDICINES, ETC.

SEC. 32. There must be taken along at least the medicines and other supplies for the treatment and care of the sick given in Appendix C. The emigration officials may require the carrying of additional medical supplies. Medicines must meet the requirements of the German pharmacopœia.

CARE OF MEDICAL SUPPLIES.

SEC. 33. The articles named in section 32 are to be kept in a ship's medicine room, or, where there is none, in a properly arranged chest with lock and key, supplied with shelves and drawers; such chest to be provided for this purpose.

DIET FOR THE SICK.

SEC. 34. On demand of the doctor a special diet is to be provided for the sick.

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VIII. *Care of the emigrants during the voyage.*

DUTIES OF THE CAPTAIN.

SEC. 70. Upon the captain of an emigrant ship are imposed the following duties:

1. To treat the emigrants humanely, to enforce proper behavior among the crew, and also visit the steerage deck daily or to have his representative do so.

2. To take steps in the interest of good morals and order, particularly to prevent any improper intercourse between the crew and the emigrants as far as possible, and to punish any misconduct of the crew toward them in a fitting manner; further, to see to it that the places designated for the use of the emigrants are kept free for them,

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that the apartments reserved for the men and women (secs. 16, 17, 18) are not entered by unauthorized persons and are regularly closed evenings, and that the crew enter the rooms of the emigrants only when their duties on the ship render it necessary.

3. To care for the proper management, cleaning, ventilation, disinfection, and illumination of the rooms intended for the emigrants, especially for the removal as soon as possible of the excretions of seasick persons and the daily cleaning of the rooms of the emigrants.

4. To see that those quantities of provisions and water which it is permitted to take on board during the trip are in good condition and of the proper amount.

5. To exercise the greatest care over the provisions, and to prevent any articles being brought into the room used for provisions or in its proximity, such as petroleum or paint, which might deleteriously affect their condition.

6. To cause the provisions to be prepared for the emigrants in the proper manner and to be distributed to them in the prescribed quantities; in case for some necessary cause the quantity of food must be diminished, however, immediately note must be made of the reasons for the same, signed by the captain or his representative, and the man in charge of the provisions, and entered in the ship's log book.

7. As soon as there is danger of a scarcity of water, to see that fresh water is provided.

8. To see that the life saving apparatus is fully equipped and in perfect condition, and in readiness at all times; likewise to look after the proper condition of the fire hose. (Sec. 37.)

9. To have the sick taken into the sick rooms, and, in case these are insufficient, to designate and fit up more space for their exclusive use.

10. In case there is a suspicion that there are women on the ship who are intended for immoral purposes in foreign countries, to report as soon as possible to the proper German consul at the port of departure their names, nationality, and destination, and their companions.

11. To immediately take charge of the effects of those who die on board, as far as such effects are not in possession of their relatives, and to draw up a list of such effects in proper form signed by himself and two witnesses. This list shall be given by the captain immediately upon his arrival at the foreign port to the German consul, subject to the latter's further instructions.

12. To placard or hang up in a convenient and conspicuous place, and especially also on the steerage deck, the several sections of the Imperial Law in regard to emigration, and the published regulations concerning sections 21 and 36 of the same for the information of the ship's passengers.

BOOKS AND PERIODICALS.

SEC. 71. The management is required to take along on board and to keep for the use of the emigrants, books and periodicals furnished by societies for the protection of emigrants, and from other sources for such purpose, with the permission of the emigration officials. To obtain the permission of the emigration officials is the concern of the donor of the books.

IX. *General and provisional regulations.*

SEC. 72. In regard to the space on the vessel, equipment, and provisioning, in general two children under the age of ten years are counted as one person, and children under one year of age, aside from the milk which is to be carried along for them, are not to be counted.

SEC. 73. Complaints regarding the requirements of the inspectors and of the doctors, especially regarding the refusal of permission to emigrants to embark, are to be brought before the emigration officials, and a decision to be given by them immediately—at least a provisional one.

SEC. 74. The emigration officials may exercise the duties which are imposed upon the inspectors and examining physician.

SEC. 75. For ships under construction before July 1, 1897, the above requirements shall be modified as follows:

1. The regulations concerning water-tight bulkheads in section 1, paragraph 3, and in section 58, paragraph 2, No. 1, do not apply.

2. One flight of stairs is sufficient for every 200 travelers. (Sec. 9.)

3. The single berths need to be only 0.50 meter (19.69 inches) in breadth and the double berths 1 meter (3.28 feet). (Sec. 13.)

4. The berths in the sick rooms may be entirely of wood. The upper berths do not have to be so constructed that they will fold. The requirements as to the breadth of the door, the near situation of the toilets and of separate bathing facilities may be waived. (Sec. 22.)

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5. At least half the prescribed boats must be lifeboats and one-fourth of them may be folding boats. (Sec. 42.)

6. A life belt is required to carry only 8 kilograms (17.64 pounds) and a life buoy only 12 kilograms (26.45 pounds). (Secs. 51, 52.)

SEC. 76. Until April 1, 1899, the emigration officials may in individual cases:

1. Waive the requirements as to proof of the examination of the ship as to its seaworthiness. (Sec. 58, par. 2, No. 2.)

2. Permit that a lesser number of persons familiar with handling the boat shall be on board than is called for in section 49.

SEC. 77. For emigrant ships sailing from foreign ports the Imperial Chancellor may, with the approval of the Bundesrath, allow exceptions to the foregoing rules.

Berlin, March 14, 1898.

3. ITALY.

[Extracts from the emigration laws of Italy. Translated from p. 87 et seq. of "Legge e regolamento sull' emigrazione e decreto sul rilascio dei passaporti per l' estero. Legge 31 gennaio 1901, n. 23, e decreto 10 luglio 1901, n. 375. Roma. Cooperativa Tipografica Manuzio. 1910."]

I. *Navigability, speed, and equipment of emigrant steamers.*

ART. 94. In order to be permitted to engage in the transportation of emigrants in transoceanic voyages, both Italian and foreign steamships must have the requisites of navigability, speed, safety, internal arrangement, and equipment prescribed by the laws and by the present regulations.

The transporters of emigrants and captains of vessels shall be liable for any infraction which may be discovered. No mitigation of their liability shall arise from the fact that the ordinary or extraordinary visits and inspections to which the governmental authorities subject the steamers have taken place.

NOTE.—Below are given articles 2, 3, and 4 of royal decree No. 130, of March 14, 1909, relating to the requisites of steamships employed in the transportation of emigrants:

ART. 2. Before being permitted to engage in the transoceanic transportation of emigrants, steamships must be declared fit upon a special inspection, to which article 138 of Regulations No. 375 of July 10, 1901, relates.

In order to be permitted to receive this inspection, the steamships must—

(*a*) Have a burden of not less than 5,000 tons.

(*b*) Have been launched for not over three years.

(*c*) Be propelled by two distinct screw propellers.

(*d*) Be constructed with double bottom for at least two-thirds of the length of the ship.

(*e*) Have waterproof cross partitions in accordance with the prescriptions of the Italian Register.

The commissioner's office may, by way of exception, admit into the service steamships which have been launched for a longer period than three years, provided their speed exceeds 18 miles an hour.

ART. 3. The office of the commissioner of emigration, with the consent of the ministry of the navy, may authorize steamships of even less than 5,000 tons burden to engage in the transportation of emigrants to be undertaken beyond the Atlantic in river navigation. These ships shall be subject to the provisions of the present regulations as far as applicable; save such derogations therefrom as the commissioner's office, with the consent of the ministry of the navy, may deem it suitable to permit in view of special circumstances.

ART. 4. Steamships which reach the age of 20 years from the date of launching shall lose the right to engage in the transportation of emigrants.

ART. 95. The aforementioned steamships must have undergone successfully the inspection of the hull and the engine prescribed by article 77 et seq. of the merchant marine code.

Foreign steamers coming from ports outside the Mediterranean, and which, during the course of their voyage, stop in Italian ports, may be exempted from the inspections mentioned in the first part of this article, when it is shown from a record of inspection visèd by an Italian consular officer that they have undergone a regular inspection of the hull and engine at the time and in the manner prescribed by the laws of the nation to which these steamers belong; provided always, that there exists a reciprocity of exemption between the two nations.

ART. 96. Before being permitted to engage in the transportation of emigrants steamers must be declared fit in the special inspection to which they shall be subjected by the commission mentioned in article 139 hereinafter.

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At the same time the said commission shall subject them to a speed test carried out for a length of twelve hours continuously and with half cargo, in which test a speed must be attained of at least 11½ miles an hour.

Those steamers whose speed is known to be superior to 13 miles an hour must be excused from the test. Such speed must be shown either from the (official) records of previous tests undergone or from an examination of the ship's papers relating to voyages made during the last year.

If subsequently it is ascertained that the steamer for two times, even not consecutive, in voyages from Italy to the transoceanic ports of destination, has failed to attain an average normal speed of 10 miles, except in cases of uncontrollable events, such steamer shall be excluded from the service of transportation of emigrants.

During the navigation, on days when the steamer has not maintained the minimum speed of 10 miles an hour, the captain shall give notice of the fact, stating the causes, due to uncontrollable events, to which he attributes the delay, to the government physician or commissioner, who shall take note of the fact, making such observations as he may deem proper to add, in the journal to which article 158 refers.

The speed maintained shall be verified upon the return of the steamer by the harbor master of one of the ports indicated in article 9 of the law, consulting for this purpose the ship's papers and the journal relating to the voyage. A record relating to such verification, in which shall be specified the cases of uncontrollable events and the investigations made to ascertain them, shall be transmitted, together with the opinion of the harbor master, to the minister of the navy, who shall decide, without appeal, indicating his decision to the commissioner.

ART. 97. Emigrant steamers shall be furnished with all the equipment, supplies, and instruments, and satisfy all the conditions prescribed in articles 5 and 10 of the regulations approved by royal decree No. 671 of October 23, 1895, except the following modifications:

1. The number of life-preservers must be at least equal to that of the emigrants and all other persons embarked, and be placed in the respective berths.

2. The boats with which the said steamers are obliged to be provided must be placed under the cranes, fully ready with all the necessary equipments for being put to sea, and they must conform with regard to number and capacity to the rules prescribed in the annexed Table G.[a] If the boats under the cranes and constituting the normal equipment as determined in the table should not be sufficient to hold all the persons on board, reckoning that for each adult person and each pair of children from 1 to 10 years old there shall be one-tenth ton of burden of these boats, calculated according to the rules in force regarding gauging, there will have to be added, as a supplementary equipment, on deck or under the cranes, other boats of wood, metal, or other material, or else life-saving rafts of a system approved by the commission referred to in article 139 of the present regulations. Such additional boats or rafts must be at least of such a capacity as to attain half of that prescribed in the table for the normal equipment, but nevertheless the steamer shall not be obliged to carry a larger number thereof than is necessary to hold all the persons embarked. All the said additional boats or rafts must be arranged on board in the most convenient manner for being used. The rafts must be furnished with air chests or corks capable of rendering them insubmergible, and they shall be kept on deck already assembled and ready to be put to sea. In order to calculate their capacity, the cubic contents of the air chests shall be taken, and it shall be considered that 85 cubic decimeters correspond to one adult person; if in place of air chests the rafts are provided with corks, it shall be calculated that one person shall be represented by 106 cubic decimeters of cork.

It shall be the privilege of the persons fitting out the vessel (armateur) to substitute in lieu of rafts other life-saving means recognized by the above-mentioned commission as being adapted to the purpose, provided that in this manner the transporting capacity prescribed for the supplementary equipment is attained.

The fitters-out, before arranging for the construction of the rafts or other life-saving means for use on their steamers, may present the model thereof to the aforementioned commission, which, upon examination, shall determine whether they are acceptable.

3. The steamer must be provided with an adequate disinfecting plant, operated by steam under pressure, of the Geneste-Hescher type, or of some other system recognized to be equally efficient by the inspecting board, and such plant shall be periodically tested for the purpose of ascertaining whether it is in a good condition.

4. The iron partitions which surround the compartments of the engines and boilers must, when there are not coffers or interstices, be completely revetted externally with boards well fitted together and provided with the necessary fireproof material.

5. Every steamship must be provided with at least 12 Labbe fire extinguishers (grenades), of the type in use in the royal navy, or of such other system as may in

[a] Appendixes not translated.

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future be adopted by said navy. The grenades must be distributed on board in such a way as to have them ready at the various points where the breaking out of a fire is particularly to be feared.

II. *Internal arrangement and order of the steamers.*

ART. 98.[a] In steamers intended for long distance voyages it shall be permissible to lodge emigrants in both the first and the second steerage immediately under the principal deck, provided these steerages are at least 2.20 meters high, measured from the upper surface of the planks of the deck below to the upper surface of the beams of the deck above. At the points of passage the height of the space left free shall not be less than 1.80 meters.

In steamers with double deck, maneuver deck, tent deck, and similar decks, it shall be permitted to lodge emigrants between closed spaces existing immediately above the main deck, but not in other spaces above the double deck, the maneuver deck, the tent deck, and such.

In so-called several-deck steamers (with several tiers of decks), in which the main deck is the highest one, it shall be permissible to lodge emigrants in the superstructures existing above the aforeaid main deck.

In the discretion of the commission making the examination for fitness, permission may be given to lodge emigrants in other superstructures when the latter are normally intended for first or second class passengers, or have requisites of such a nature that they are suitable without doubt for the lodging of emigrants.

The superstructures, quarterdecks, forecastles, etc., must, in order to be adapted for lodging emigrants, be of solid construction. No deck may be used for such purpose unless it has stationary beams covered over with solid planking. Decks constructed of false boarding are absolutely excluded.

Every deck must have an adequate number of scuppers, provided with a valve if they discharge outside and with a secure lid if they empty in a well-room.

NOTE.—Below is given article 7 of royal decree No. 130, of March 14, 1909, relating to the rooms alongside the boilers and engines.

The rooms adjacent to, or alongside, the boilers, or between the coffers and the walls, shall not be used for lodging emigrants.

Those alongside the engines may be fitted up for lodging purposes, with the exception of those of the second passageway, but they must satisfy the following requirements:

(*a*) The partitions separating such rooms from the engines must be provided with an internal counter-partition for the circulation of air. There must be no opening in the partitions, which, on the side where the lodgings are situated, must be revetted with fireproof material.

(*b*) In the aforementioned rooms the air shall be renewed to a suitable extent, in the discretion of the board of inspection.

(*c*) The deck in these rooms must be revetted, permanently, with woodwork sufficiently thick and of suitable width in the judgment of the commission.

These provisions, with the exception of that designated "c," shall not be applicable to steamers which, alongside the engines or boilers, have a passageway of at least one meter in width or other rooms of corresponding dimensions.

In no case shall it be permissible to lodge emigrants in the above-mentioned rooms if the royal commissioners have ascertained, in two voyages not even consecutive, that their temperature exceeds that of the other rooms used for the lodging of emigrants.

ART. 99. Every emigrant lodged in the cabins, in the quarter-decks, and in the first (upper) passageways of steamers must have at his disposal at least 2.75 cubic meters of space. In computing the space, the average height shall be measured between the upper surface of the boarding of the lower deck and the upper surface of the beams of the upper deck, and no account shall be taken of the portion of height exceeding 2.50 meters.

If the steamer should have a second steerage, each emigrant lodged therein shall have assigned to him a space of 3 cubic meters.

Notwithstanding what is prescribed above, and whatever be the number of places for passengers existing according to the internal capacity, the embarkation of such a number of emigrants as to excessively crowd the deck of the steamer is prohibited. Therefore, every emigrant should be allowed a space of at least 0.45 square meter of free area on the uncovered deck; there being comprised in said area the quarter-decks, the cabins, and the upper deck (when the steamer has one). However, the quarter-decks, the cabins, and the upper deck must, in order to be computed as above, be solidly constructed, provided with firmly fixed balustrades, and be easily accessible.

In calculating the free space it shall always be necessary to deduct the space assigned to the first and second-class passengers.

[a] Text modified by royal decree No. 130, of March 14, 1909 (art. 5).

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ART. 100. The total area of the hatchways and of every other opening which gives air to each of the rooms occupied by the emigrants, both in the first and second passageways, shall amount to at least 5 per cent of the surface of the room itself.

If this quota is not attained in any room, the number of passengers which the latter may hold in accordance with the foregoing article shall be reduced to the extent of the proportion between the actual quota and that prescribed.

ART. 101.[a] It must be possible to reach every apartment, situated under the upper deck and in which emigrants are lodged, by means of ladders placed at an angle of not less than 35 degrees.

The number of ladders must be one for every 100 persons, or fraction of 100, to pass over them. In each case the number of ladders shall be determined, in the above-mentioned proportion, in accordance with the number of persons lodged in all the apartments (even if situated on different decks) to which the said ladders give access from the uncovered deck.

Apartments in which more than 300 emigrants are lodged must have two accesses, each furnished with at least two ladders, one being placed toward the prow and the other toward the stern. The inspecting commission may permit access to these apartments by means of one large hatchway furnished with four or more ladders, provided it recognizes the good conditions of ventilation of said apartments.

Every ladder must have a length of rung of about 80 centimeters, and be provided with railing, and, for the safety of children, it must be provided up to the height of the railing with a grating, which may be constructed of cords or of oilcloth, and solidly fixed. To the rear the ladders must have a guard throughout their length and width, constructed of strips of board with spaces between.

When the ladders, instead of being applied to the principal hatchways, are placed in communication with the deck by means of suitable openings, the latter must be covered with cabins or superstructures, provided with doors of sufficient width.

There must always be a means of access from every lodging apartment to the deck, even during the operations of embarking and debarking merchandise. Therefore, if an apartment has not, besides the common hatchway, a special way of descent or a door giving access to another apartment provided with a ladder, a part of such hatchway must be arranged for the exclusive use of the emigrants, being separated from the remaining part by means of a solid fence of iron rods, so as to avoid accidents.

About each hatchway of the first and second passageway there shall be fixed stanchions, supporting a double tier of chains.

ART. 102. The apartments indicated in the foregoing article 101 must be furnished with ventilators of sheet iron, the center of the opening of which must be at least 2 meters above the uncovered deck; the opening must in all events be above the awning. The ventilators (shafts) must have a section of not less than 7 square decimeters each, and shall be distributed in the following proportions:

For apartments containing from 25 to 100 emigrants, 2.

For apartments containing from 101 to 200 emigrants, 3.

For apartments containing over 200 emigrants, 4.

If the ventilators in any apartment should have a section of less than 7 square centimeters each, it shall be permissible to supply the deficiency by adding other ventilators, also of sheet iron, in such a way that the total of the sections of all said openings shall correspond to the sum of the sections of the ventilators prescribed.

Besides, apartments of the first passageway, situated to one side of the coffers of the engines and boilers, and all the apartments of the second steerage, shall be furnished with extractors run by an electric motor of such power as to be able to suitably renew the air of the surrounding space.

The inspecting commission may order such extractors to be placed also in other apartments of the first steerage, provided they deem it suitable.

The commission may require the placing of two small windows, of the Uttley or other similar system, in every lodging apartment of the lower steerage, in order to insure a constant ventilation.

NOTE.—Below is given article 8 of royal decree No. 130, of March 14, 1909, relating to the heating of lodging apartments and infirmaries:

On steamers which are to pass beyond the thirty-sixth parallel of north or south latitude outside the Mediterranean, there shall be established a complete and efficient heating system for all the lodging apartments of emigrants, the infirmaries, and the gangway.

On steamers used on other lines the heating system shall be compulsory in respect only to the infirmary and the gangway.

The use of the heating apparatus in the various apartments shall be regulated at the discretion of the royal commissioner.

[a] Text modified by royal decree No. 130, of March 14, 1909 (art. 6).

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ART. 103. The normal berths, save the exception contained in the following article 105, shall have dimensions not less than 1.80 meters in length and 0.56 meter in width, measured inside the washboards constituting the berths themselves. The floor of the lower berths must be at least 40 centimeters above the boarding of the deck, and that of the upper berths 70 centimeters from the floor of the lower berths and not less than 70 centimeters below the deck above.

The berths must be constructed of iron, separated from one another by means of suitable partitions, and established in all their parts and fixed on board with solidity and accuracy. The washboards may be of wood, provided they are whitewashed for every voyage, going or returning.

The berths shall all be numbered in a clearly visible manner.

The outfit of each berth shall be composed of a mattress, with a pillow attached or separate, filled with "vegetable horsehair" (moss) or other material approved by the commissioners, as well as a woolen blanket. The mattress, including the pillow, must contain not less than 8 kilograms of "vegetable horsehair," or 7, if consisting of sea thread. The coverlets must be two:

For each berth occupied by a pair of children.

For each berth indiscriminately, when this is prescribed by the inspecting commission, in view of the voyage and the season.

ART. 104. No more than two tiers of berths shall be permissible, whatever be the height of the sleeping apartment.

It shall not be permissible to place berths adjacent to the compartments of the engines and boilers, unless they are placed at such a distance that no injury can arise therefrom to the health of the emigrants.

In determining this distance account must be taken in each case of the height of the passageway, width of the hatchways and other openings, the arrangement of the berths, and the greater or less facing of woodwork on the floor of the lower deck, as well as against the walls, or the existence of counter partitions which may diminish the radiation of the heat.

The berths must be at least 50 centimeters distant from the troughs of the hatchways.

The inspecting commissions, mentioned in articles 139 and 144 below, may order that free intervals be left in the arrangement of walled-in berths, in order that the dormitories may receive air and light from the windows.

ART. 105. Each normal berth shall serve for no more than one person over 6 years of age, or a pair of children from 1 to 6 years.

By way of exception, pairs of children of the same sex and over 6 and less than 10 years of age, preferably belonging to the same family, may have assigned to them special berths not less than 80 centimeters in width. The transporters shall, therefore, have the privilege of constructing, in substitution for so many ordinary berths, a suitable number of berths 80 centimeters wide, subject, however, to the observation of all the other conditions established by the present regulations in order that the said pairs of children may be placed therein.

Similar special berths shall, as a rule, be assigned to women whom the ship's physician has ascertained to be in a state of advanced pregnancy and to those having with them children less than one year of age; for which purpose the berths erected in the apartments intended for women and in the corresponding infirmary, shall, at least one-tenth of them, have the aforementioned breath.

ART. 106. Each passageway between the groups of berths shall have an average width of 80 centimeters and a minimum of 60.

Such passageways, and every other space in the apartments of the emigrants not occupied by the berths, shall be kept free from any object, with the exception of the articles of clothing, which shall not occupy over one-tenth cubic meter for each emigrant, and must be placed in such a way as not to impede the passage and access to the berths, the remainder of the baggage being placed in the hold or in some other particular apartment.

If any apartment is used for the lodging of emigrants only in part, the remaining space may be used for the deposit of cargo, on condition that it is separated by means of a solid board partition, the other prescriptions relating to the ventilation of the lodging apartments being observed. It shall be prohibited, however, to place in such separate space barrels of meat or fish, in whatever way preserved, as well as any other substance likely to transmit a disagreeable odor or noxious exhalations.

ART. 107. Women shall be lodged in apartments separated by means of solid partitions from those in which the men are lodged, and preferably in the apartments of the upper steerage. It shall be prohibited to lodge children over 7 years of age, if female, in the dormitory of the males, and if males, in the dormitory of the women. Every exception suggested by special circumstances must be authorized, upon departure by the inspecting commission, and during the course of the voyage by the government physician or the traveling commissioner.

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By way of exception, on steamers in which the lodging apartments, in whole or in part, are divided into large cabins containing a limited number of berths, the inspecting commissions shall have the privilege of permitting such cabins to be occupied by groups of families.

NOTE.—Article 10 of royal decree No. 130, of March 14, 1909, provides as follows:

Third-class berths may be installed in the cabin, provided, however, the conditions regarding hygiene and lodging apartments are in no respect inferior to those prescribed in general for emigrants.

ART. 108. For purposes of calculating the capacity of the lodging apartments, babies of less than 1 year of age shall not be computed in the number of emigrants. Two children from 1 to 10 years old usually count as one emigrant.

ART. 109.—To every lodging apartment shall be assigned a chief steward, chosen among the seamen, or persons accustomed to sea life. The inspecting commission, in view of the number of emigrants or other circumstances, may order that the number of chief stewards be two.

On foreign steamers, the chief steward of each apartment, or one of them if there are two, must be Italian or speak Italian fluently.

It shall not be permissible to employ emigrants or other passengers as chief stewards.

ART. 110.[a] Every steamer embarking over 50 emigrants shall have an apartment permanently assigned for use as an infirmary, divided into two sections, one for men and another for women, situated on deck or in the upper steerage, far from the prow and stern, conveniently adapted and ventilated, separated completely from the lodging apartments, and capable of accommodating at least 2 per cent of the emigrants, and also of the crew when there is not a special infirmary for the latter, calculating that for each emigrant or member of the crew therein accommodated there shall be assigned a space not less than 3.50 cubic meters. The use of the cabins for this purpose shall not be permissible.

Besides the aforementioned infirmary, there must be one for infectious diseases, also divided into two sections, which must be situated toward the extreme stern, at least 5 meters ahead of the axle of the rudder, preferably on deck, completely isolated from the lodging apartments and the other infirmaries and having its own accesses. Its walls must be metallic, and when it is situated on deck they must be faced with fireproof material (brick or fossil flour, thermolite) or other fireproof material not less than 3 centimeters in thickness (asbestos board), and they must be covered over with sheet iron. The capacity of this infirmary must be sufficient to accommodate at least 1 per cent of all the persons embarked. The space for each person shall not be less than that prescribed for the ordinary infirmaries. The berths shall be constructed in such a manner as to diminish the vibrations as far as possible.

All the berths shall have a width not less than 80 centimeters, shall be placed in such a way that one of the sides, 1.80 meters long, shall be adjacent to the passageway and thus practically accessible.

The berths shall not be joined by the longest side, but must be separated by an interval of at least 30 centimeters. The passages between the berths must be not less than 90 centimeters wide.

The berths must have a mattress and pillow, all of horsehair or wool, of a total weight of at least 10 kilograms, with an equipment, for each, of two woolen blankets, six sheets, and three white cases for the pillow.

Each berth shall be provided with a metallic bracket for a bottle and a glass, and with a spittoon of enameled iron. The berths shall, moreover, bear a serial number conspicuously placed.

Annexed to each section of the infirmary there shall also be a bathroom, provided with cold and hot water spigots, and a stationary water-closet with an iron seat, isolated with bell, for use only of the sick, provided with suitable rests and constructed according to the rules of art and hygiene.

Near one of the sections of the infirmary shall be arranged the pharmacy, in a suitable cabin, well ventilated.

Each steamer shall have a gangway for the daily medical inspection, situated on the upper deck, toward the center, and easily accessible. This apartment shall have an area not less than 10 square meters, so that it may hold a folding bed of about the dimensions of a berth, around which it shall be possible to move freely, besides a medical chest for aid in case of emergency and a table suitable for placing the surgical instruments. The room should be well ventilated and lighted, and shall serve in case of necessity also for surgical operations.

In the apartments of the infirmaries and the gangway the deck shall be covered over with cement tiling or other material, nonabsorbent, easily kept clean, and in accordance with the dictates of hygiene and the judgment of the commission.

[a] Text modified by royal decree No. 130, of March 14. 1909 (art. 9).

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ART. 111. The steamers shall also be furnished with a steam laundry, which shall also be capable of being combined with the disinfecting apparatus mentioned under section 3 of article 97.

In the absence of such a laundry, they shall have a suitable place for use as a common lavatory, with a tub divided into four distinct compartments, each sufficient for one person, with faucets for turning on water and apertures for conducting the water off, each independent, in order that the promiscuity of the water may be prevented. The tub shall be placed at the disposal of the emigrants for the whole day, and during at least three hours each day it must be supplied with fresh water, to be renewed at suitable intervals.

The steamers themselves must be provided with two wooden tubs, of a capacity of about 50 liters each, for any necessary chemical disinfection, and with two apartments suitable for a lukewarm shower bath, one for men and the other for women.

ART. 112. The water-closets for the emigrants, grouped in at least two well separated apartments, one reserved for women, shall be constructed according to systems which are hygienic and suitable in the judgment of the inspecting commission. Each place may contain a common collector, with several seats, separated from one another by a metal sheet not less than one meter high, provided with suitable rests, and there shall be a screen, of sheet iron if possible, near the door. The water-closets shall be well ventilated and provided with a continuous jet of water, with a solid and stable discharge overboard.

The number of seats shall be at least two on steamers which embark as high as 100 emigrants, the number being increased by two for every 150 emigrants in addition; and they shall be distributed proportionately among men and women. The water-closets for the women shall, if on deck, be situated as near as possible to the hatchway giving access to the dormitory assigned to the women.

Those for the men shall also be provided with urinals.

When the water-closets are situated on deck, the steamers shall have besides at least two water-closets, one for the men and another for the women, on the first passageway, and in a suitable apartment, to be opened in exceptional cases when so ordered by the ship's physician.

If the special conditions of the steamer do not permit the construction of such water-closets in the first steerage, it shall be provided with portable latrines; in which case the steamer shall have, on the first steerage, a discharge into the sea, arranged according to the rules of decency and hygiene.

ART. 113. During the night the lodging apartments and all others intended for the use of emigrants, including the water-closets and the inside and outside passages, shall be lighted by electricity, and every apartment shall, moreover, have an oil safety lamp.

NOTE.—The following is article 11 of royal decree No. 130, of March 14, 1909, relating to wireless telegraph and telephone apparatuses:

Upon agreement between the emigration commission and the ministry of the navy, steamers engaged in the emigration service may be compelled to install wireless telegraph or telephone apparatus.

The system, the power of the apparatus, and the technical and mechanical rules governing their use shall be determined, and if necessary modified, by the authorities having charge of the service of wireless telegraphy in the nation.

ART. 114. The captain shall keep posted up on board, in a place visible to all:

(*a*) A copy of the law on emigration and of the present regulations.

(*b*) A table in which is transcribed articles 88, 92, 94, 96, 97, 359, 450, 451, 452, 453, 454, 456, and 459 of the merchant marine code, as well as articles 582, 583, 584, 585, 586, 587, 588, and 589 of the code of commerce.

(*c*) The regulations on internal service referred to in article 159 below.

(*d*) Several printed copies, in large size, of the table of provisions and the price lists indicated under No. 8 of article 160, placed at the points to be determined by the inspection commission.

(*e*) A table indicating the number of passengers for which the steamer has been declared to have capacity, and that of the passengers or emigrants embarked at the departure or at the successive stops, divided into classes and places occupied.

(*f*) The register of complaints referred to in article 82 of the present regulations.

III. *Sanitary service on board.*

ART. 115. The physician of the royal navy shall embark, on both national and foreign steamers engaged in the transportation of emigrants, two days before the day fixed for the departure.

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On board both national and foreign steamers he shall wear the regulation uniform and sit at the first-class table, taking place, except in special cases, to the right of the commander.

ART. 116. The physician of the royal navy shall in all cases have the direction of the sanitary service, whether a second or a third physician is embarked on board, in accordance with articles 124 and 126, according to the number of emigrants, or whether the person fitting out the vessel has previously embarked or does embark a physician on his own account.

In this latter case, it shall be the privilege of the passengers who do not belong to the emigrant class to avail themselves of the professional services of the company's physician, but the latter shall be obliged to inform daily the government physician of the nature of the sicknesses which he has in his charge and their progress. When, then, owing to the nature of the disease, the hygiene on board the ship and the health of the persons embarked might be concerned, the government physician shall be authorized to interfere in order to adopt such measures as may best fit the case.

ART. 117. The physician who directs the sanitary service on board shall take charge of the pharmaceutic supplies and the surgical outfit, as well as the other apparatus prescribed by article 129 below, taking care to see that they correspond exactly with the proper tables. Upon disembarking he turns them over to the vessel again.

ART. 118. The directing physician, besides giving medical and surgical assistance free of charge to the persons embarked on the ship, must also, as government health officer, see that proper hygienic conditions are preserved in every respect on the steamer. He must above all insure himself of the careful enforcement of the following things:

(*a*) That the victuals distributed to the emigrants are of good quality, well preserved and prepared, and corresponding in quantity to the amounts prescribed on the table annexed to the present regulations.

(*b*) That there be placed at the disposal of the emigrants, free of charge, drinking water free from all contamination, distributed in such a way as to eliminate all possibility of transmission of disease, and at the rate of at least 5 liters a day for each person.

(*c*) That, where a doubt arises regarding the good quality of the drinking water taken on at departure, or a suspicion of the possibility of its contamination during the voyage, such water shall be sterilized by boiling or, in special cases, replaced by water furnished from the distilling apparatus, until the captain of the ship may procure some good water in a proper locality, after emptying the chests and carefully disinfecting them by the means prescribed by modern hygienic methods; in which case the physician, before permitting a replenishment of the water, must assure himself that the latter comes from a region beyond suspicion and is free from any contamination.

(*d*) That the steamer is kept in a state of permanent cleanliness, and especially that the water-closets are repeatedly cleaned and disinfected in all parts.

(*e*) That the lodging apartments of the emigrants, of the other passengers, and of the crew, are kept in a perfect sanitary condition, and that the proper disinfection is made as soon as any case of infectious or contagious disease appears therein.

(*f*) That the lodging apartments are diligently cleaned every day while the emigrants are on deck, and that the woodwork thereof is swept with sawdust, mixed, if necessary, with disinfectants, or that it is diligently washed and wiped.

(*g*) That, when cases of infectious diseases or such as are suspected of being such, appear, all the linen and objects of personal and domestic use which have come in contact with the patients shall be immediately disinfected and washed after use, and that the stricken persons are isolated in the sections of the infirmary referred to in article 110 above. In case of an epidemic, or under other circumstances when the health on board may be jeopardized, the physician shall be authorized to take or require all measures he may deem necessary, including the destruction of objects which can not be conveniently disinfected.

ART. 119. In case of a death on board, if it has occurred owing to an ordinary malady or an accident, the physician shall, after ascertaining the death with certainty, cause the body to be isolated, and if it is not expected to land within twenty-four hours, he shall arrange to remove the body in the usual manner. When, however, the death has occurred from an infectious or contagious disease, he shall see that the body is removed in the shortest possible time, making the most thorough disinfection of the surroundings and of the articles in daily use belonging to the deceased.

ART. 120. The government physician, in accompanying the captain of the steamer to the health offices of the intermediate stopping places for the examination, must make inquiries regarding the sanitary condition of the place; and in case infectious diseases should be prevalent there, it shall be his duty to take all precautionary measures for the preservation of hygiene and of the health of the persons embarked, reconciling them, as far as possible, with nautical requirements and commercial interests.

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ART. 121. The government physician shall annotate on the sanitary journal all the facts regarding the hygiene and health on board.

Besides this, he shall compile, for every voyage, a report in which shall be set forth all the observations which he may have made on questions concerning the special sanitary service of the emigration and of persons returning home, as well as on the medical geography, exotic pathology, and other subjects of exotic medicine and naval hygiene which the minister of the navy and the director of health in the ministry of the interior may deem proper to commit to his study.

Upon returning from the voyage he shall deliver the journal and the report, through the harbor master, to the provincial physician, who, after due examination, shall transmit them to the office of the director of the maritime military health service, transmitting at the same time a copy of the report to the bureau of health of the ministry of the interior.

ART. 122.[a] Before leaving the steamship the government physician must assure himself that, within three days from arrival, the necessary washing and disinfecting has been done, both with respect to the covers and mattresses, where it is not necessary to destroy them, and to the berths, lodging apartments, and infirmaries, and he shall deliver a certificate to that effect to the captain of the steamship, to be exhibited to the inspecting commission referred to in article 144.

In the absence of a government physician, these operations shall be ordered and overseen by the civilian physician who takes his place; and the certificate relating to the matter must be viséed by the traveling commissioner.

If, for commercial reasons or owing to any uncontrollable events, the captain fails to fulfill these formalities, it shall be necessary, before the embarkation of emigrants in an Italian port for a new voyage, to proceed to make a thorough and careful disinfection, under the superintendence of the physician of the port, unless the captain of the steamship, if coming from a foreign port, proves by means of an official certificate viséed by the royal consular officer and considered sufficient by the inspecting commissioner, that the disinfection has taken place immediately before the departure from such port.

ART. 123. In case the government physician is guilty of neglect in attending the sick or in the rigorous enforcement of all the hygienic measures, or has failed to announce infectious diseases that have developed on board, or is guilty of any other omission respecting his professional and military duties, he shall be punishable not only in accordance with the sanitary laws but also with the disciplinary and penal regulations in force in the royal navy.

ART. 124. If the number of emigrants exceeds 700, and in every case when ordered by the commissioner with the consent of the ministry of the interior, there shall be taken on, for the hygienic-sanitary service on board, a second physician, who shall be under the direction of the government physician.

The second physician on board shall be chosen by the transporter, among those whom the minister of the interior shall have admitted, in view of the production of the following documents, to the exercise of such office:

(1) Certificate of birth.

(2) Certificate of graduation in medicine and surgery, which must be issued by a university, and must show familiarity with the questions asked of a physician who is to embark on an Italian ship.

(3) Certificate of good conduct, by the mayor of the commune of residence, and of recent date.

(4) Final certificate, of a date not prior to three months before.

(5) A certificate of healthy and robust constitution.

This permission shall not be granted to any one who has not attained within two years a diploma in medicine and surgery, and who can not demonstrate by titles exhibited that he has a sufficient education on hygienic discipline and proved ability in the practice of medicine, surgery, and obstetrics.

Physicians who have obtained the authorization to travel as second physicians on board shall be inscribed for any possible assignments in the prefectures of Genoa, Naples, and Palermo.

In case of ships flying the Italian flag, the second physicians on board shall take part in the stipulation of the enrollment contract and shall be inscribed in the crew list.

A physician who has demonstrated that he has no fitness for sea life shall not be admitted.

ART. 125. The embarkation of a second physician shall also be compulsory in case the steamer takes on board, at a stopping place, a sufficient number of third-

[a] Text modified by royal decree No. 130, of March 14, 1909 (art. 17).

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class passengers to exceed the number of 700 together with the emigrants previously embarked.

If the captain can not procure the second physician, the government physician shall not permit the embarkation of third-class passengers beyond the said limit.

ART. 126. The commissioners may prescribe a third physician, under the conditions indicated in the foregoing articles, if the number of emigrants exceeds 1,500.

ART. 127. The civilian physicians on board against whom negligence is discovered, or fault in the exercise of their functions, shall be stricken by the ministry of the navy from the list of those authorized to lend service on board vessels, without prejudice to other penalties prescribed by laws in force.

In case they abandon, without due permission, the service during the voyage for which they are engaged, they shall not only be declared deserters in accordance with the merchant-marine code, but, if they are embarked on a national steamer, they shall be stricken from the list of physicians authorized to lend service on board vessels, besides which they shall be liable to damages toward the interested parties.

In case of infectious diseases of an epidemic character appearing on board, the provisions of article 46 of law 5849, of December 22, 1888, shall be applicable in favor of the family of the physician.

ART. 128. In every case it shall be necessary to embark, among the members of the crew, one male and one female nurse deemed capable by the physicians of the port, even from the standpoint of enduring sea life, and they shall be of Italian nationality or speak Italian fluently. In case there are two physicians on board, there shall be two male and two female nurses, and others in the case provided for in article 126 above. In order to be admitted they must exhibit the book prescribed by article 78 of law No. 5888 on public safety, dated December 23, 1888.

When a second physician is found on board, the direct superintendence of the nurses shall be incumbent upon him.

The taking of emigrants or other passengers as nurses, male or female, shall be prohibited.

ART. 129. The steamers devoted to the transportation of emigrants must be provided with the medicines and medical supplies indicated in Table C annexed to the present regulations, besides the apparatus, surgical instruments, and various utensils described in Appendix D.

Tables C and D may be varied with respect to the quantity and quality of the objects therein indicated, by decree of the minister of foreign affairs, in agreement with the ministers of the interior and navy, on the recommendation of the commissioner of emigration.

The transporter shall see that there is also a supply of ordinary soap, commensurate with the number of emigrants embarked, to be sold to the emigrants at a price to be approved by the inspector of emigration.

IV. *Supply and distribution of provisions.*

ART. 130. The victuals must be of good quality, perfectly preservable, and in quantity sufficient to last for the voyage which the steamer is about to undertake, plus one-third. The increase shall be greater if there are possibilities of quarantine in foreign countries.

The victuals shall be preserved in places protected from the dampness, from too high temperatures, and suitably ventilated.

At least three days before that fixed for the departure the captain shall present to the maritime authority a note signed by him and certified to be exact, indicating the quantity and quality of the provisions embarked.

To the note shall be annexed a double set of samples of the most important of the supplies, in accordance with the instructions to be given by the maritime authority in agreement with the inspector of emigration. One set of samples shall serve for the examination and analysis which the authority may deem opportune to have made, the other shall be delivered to the military physician of the ship, or to the traveling commissioner, who shall utilize it in order to see that provisions of an inferior quality are not distributed during the voyage. If from the chemical analysis it is shown that some of the provisions intended for use on the ship are adulterated, or impure in any way, such articles and provisions shall be seized and placed at the disposal of the judicial authorities to proceed according to law.

In this case, the expenses of analysis shall be charged against the transporter, to whom shall be applicable the provisions of article 173 of the present regulations.

ART. 131. Table E, joined to the present regulations, indicates the quality and quantity of the supplies to which the emigrants are entitled.

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The table may be varied as to the quantity and quality of the foods and drinks, by decree of the minister for foreign affairs, in agreement with the minister of the navy, on the recommendation of the commissioner of emigration.

ART. 132. To children under 5 years of age, except sucklings, there shall be allowed one-fourth ration; to others, up to 10 years old, a half ration, and to all those who have passed the age of 10 a full ration.

Sick persons and convalescents shall receive such rations of victuals and medicines as shall be determined by the ship's physician, who shall also have the authority to order supplementary distributions of broth and soup to babies and to women who may need it.

The victuals shall be distributed in accordance with the system of the messes, which shall never exceed six rations and may be limited to a less number by decision of the commissioners. Care shall be taken to include if possible all the members of each family in a single mess, filling out the latter if necessary with isolated persons.

For reasons of hygiene the victuals must be cooked well done, with wholesome and sufficient condiment and suitably varied as regards the mode of cooking.

ART. 133. The kitchen for the emigrants shall be separate from that intended for passengers of the other classes. It must be sufficiently large, in the opinion of the inspecting commission, and furnished with utensils corresponding to the number of emigrants. The use of copper utensils not perfectly tinned over, or such as are composed of alloys containing lead, shall not be permissible either in the kitchen service or in dealing out the food.

The places where bread is made and the ovens must also be proportionate, in the judgment of the commission, to the number of persons that the steamer is likely to transport.

ART. 134. The number of cooks assigned to the kitchen for the emigrants shall be sufficient, in the judgment of the commission making preliminary inspection. At least the chief cook must be of Italian nationality and carry the personal record prescribed by article 78 of law on public safety No. 5888, of December 23, 1888.

ART. 135. The drinking water for use on board, furnished upon departure from a source beyond suspicion of contamination, must be sufficient in quantity to correspond to the number of persons embarked, so that, calculating on the longest probable duration of the voyage and the quantity that can be furnished by the distilling apparatus, there shall be available during the voyage such a quantity of water as is necessary at the rate of 5 liters per person each day. The supply of drinking water shall never be less than what is needed for three days' consumption.

It shall be stored in tanks proof against any possibility of alteration during the whole voyage and protected as far as possible from the influences of high temperature.

The tanks must be cleaned at every voyage, and no drinking water shall be put therein until the government physician or the traveling commissioner has inspected them.

ART. 136. Besides the water chests on deck intended to quench the thirst of the emigrants, there must be other smaller ones, of 25 to 30 liters' capacity each, placed in every apartment of the upper steerage, at the disposal of the emigrants during the night or when it is impossible for them to go on deck owing to bad weather. In order that such chests may serve also for the persons lodged in the lower steerage, they must be placed near the ladders affording access thereto.

The application of sucking devices to said chests is prohibited, it being necessary to provide automatic faucets conveniently situated for the distribution of the water.

ART. 137. The steamers must be provided with an ice house suitably arranged and capable of holding at least 10 tons of ice, and divided into at least two sections, one for the use of the infirmaries and passengers and the other for the preservation of the victuals.

When for the latter purpose the steamer is provided with a cold storage room, one ice house will suffice, with a capacity of at least 5 tons, being reserved for the exclusive use of the infirmaries and passengers.

V. *Inspection as to the fitness of steamers.*

ART. 138. Italian and foreign steamers shall, before being used for the transportation of emigrants as indicated in article 6 of the law, be subjected to a special inspection (fitness inspection), not renewable except in case the maritime authority recognizes the necessity thereof.

The inspection of foreign steamers shall be made upon first observing the provisions of paragraph 1, article 91, of the code for the merchant marine, that is, upon sending a letter notifying the consular officer of the nation to which the steamer belongs, in

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which letter shall be indicated the day and hour appointed. If the consular officer does not appear at the hour indicated, either personally or through a delegate, the inspection shall be made in his absence.

ART. 139. The special inspection shall be made in one of the ports indicated in article 9 of the law, by a commission composed of the harbormaster acting as president, of the physician of the port, of an engineer belonging to the corps of naval engineers, of the inspector of emigration, and of a harbor official who shall also act as secretary. On the day on which the speed test is made, a machinist official of the royal navy shall be assigned to the commission.

The parties fitting out the vessel shall present to the commission, in duplicate, the plans of the steamer, one for each steerage in which the emigrants are to be lodged. On these plans, made on a scale of hundredths, and not less than one to a hundredth, shall be indicated accurately, accompanied by the necessary explanations, the following:

(1) The length, breadth, and height of the lower deck of the steerage, determined according to the Moorsom system, in order to calculate its cubic dimensions.

(2) The cubic space of said deck.

(3) The several hatchways with their dimensions, the use for which they are intended being indicated.

(4) The spaces occupied by the engines, boilers, coal bins, smoke box, etc., and by the counter walls or layers of fireproof material which may exist around such places, the dimensions and use of each being indicated.

(5) All other apartments situated in the passageway to which the plan refers, indicating the dimensions and use.

(6) The normal disposition of the berths for the emigrants.

(7) The passages between the berths or affording access to the same, indicating the maximum and minimum width of each.

(8) The ventilators, the mouths of which must not be above the berths, and the other ventilating apparatus.

(9) The number of the tiers in which the berths are arranged at the various points.

(10) The disinfecting apparatus and the infirmaries on board.

(11) The number, dimensions, and quality of the boats.

When the steerage is divided into several apartments by means of partitions, all the aforementioned data must be furnished for each separate apartment. For the upper deck there shall also be presented a plan on which shall be indicated all the apartments existing on that deck, indicating the use for which they are intended and giving a calculation of the free area for the emigrants, designated with reference to the stationary marking stones, which must be situated on the deck.

There shall also be furnished data regarding the location and capacity of the water chests, the ice house, and the apartments intended to hold the provisions and to serve as a depository for the baggage of the emigrants.

ART. 140. On the basis of the documents and the data thus gathered, the special commission shall ascertain the condition of the ship as regards its speed, the arrangement of the decks, the height of the same, the free area on deck, the number and arrangement of the hatchways, ventilators, and extractors, the location and solidity of the berths, the width of the steerages, the infirmaries, the number and situation of the water-closets, the lighting system, the apartments for the crew, the capacity of the water chests and ice house, the power of the distilling apparatus and disinfecting plant, the capacity of the coal bins, the number, quality, and capacity of the boats, and the condition of the apparatus serving to put them rapidly into operation, and, finally, everything that is necessary to determine the exact number of the emigrants and other passengers which each steamer may embark in accordance with the present regulations.

Of the facts ascertained a record shall be prepared, on unstamped paper, for administrative use and in duplicate, one copy to be delivered to the captain of the steamer and the other, together with the plans approved by the commission, to be preserved and to serve as a guide to the inspecting commission referred to in the following articles.

The naval engineer and the machinist official belonging to the commission shall be paid by the applicant the allowances provided by royal decree of May 9, 1895, on inspections of merchant vessels, being also allowed any traveling expenses in accordance with royal decree No. 479, of July 2, 1893; the president shall be allowed a daily compensation of 12 lire, the other members 8 lire. To insure the payment of these allowances, the party fitting out the vessel shall leave a deposit with the harbor master upon applying for the inspection.

ART. 141. On the occasion of both the special inspection and the two inspection referred to in the following articles, the captain of the steamer and those under his orders shall furnish to the commissions all the information and explanations which may be asked of them.

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VI. *Inspection of steamers and emigrants at departure.*

ART. 142. The steamers which have successfully passed the inspection referred to in the foregoing articles shall, every time they undertake a voyage for the transportation of emigrants according to article 6 of the law, be subjected to two inspections—a preliminary one for the purpose of ascertaining that these steamers are in the condition prescribed by these regulations with regard to internal arrangement, the supply of provisions, and every other proper precaution, and a final one, relating especially to the emigrants departing.

The preliminary inspection must take place as a rule two days before the date fixed for the departure.

The two inspections shall not take place on the same day as the departure, save in the exceptional cases in which the harbor master and the inspector of emigration deem this possible in view of the small number of emigrants to be embarked.

The provisions of paragraph 1 of article 138, above, are applicable also to these inspections.

ART. 143. The transporter, or the captain, of a steamer which has to undergo the two inspections to which the foregoing article relates must give notice of the fact to the harbor master at least six days before the date fixed for departure, in such a way that the said authority may provide for the embarkation of the military physician, or notify the transporter, in the case referred to in article 32 above, of the obligation on his part to embark a civilian physician.

Moreover, before the day fixed for the preliminary inspection, he shall present an application to the harbor master in which he shall declare that the steamer possesses all the requirements prescribed with regard to navigability, speed, equipment, arrangement of apartments, crew, servants, and all other provisions of the regulations. There shall also be indicated the amount of coal embarked, the place where a fresh supply is to be obtained, the duration of the voyage, the intermediate stopping places, and the approximate number of emigrants to be embarked.

To the application must be appended a note indicating the quality and quantity of the supplies and the samples indicated in the above article 130.

NOTE.—The following is article 13 of royal decree No. 130 of March 14, 1909:

A preliminary inspection can not be made, and therefore the embarkation of emigrants can not be permitted, if the steamer has previously embarked third-class passengers, or passengers belonging to a class considered equivalent, in foreign ports. Under special circumstances, or in the case of lines little traveled over by emigrants, the commissioners may permit this rule to be disregarded.

ART. 144. The preliminary inspection of the steamer shall be made by a commission composed of a harbor official (and in exceptional cases of a harbor master) as president, of a harbor physician, and of the inspector of emigration (who may be represented by an employee of his office). An employee of the harbor master's office shall act as secretary.

At the inspection shall be present the military physician assuming the direction of the medical service on board, or the traveling commissioner with the civilian physician referred to in article 32 of the present regulations.

ART. 145.[a] The supplementary inspection commission shall ascertain, above all, that the steamer is in proper order with regard to the inspection of the hull and the engine, as prescribed by article 77 and following of the Code of the Merchant Marine.

Bearing, then, in mind the record of the inspection for fitness and the records of the successive special investigations in which modifications have been authorized, the commission shall ascertain carefully that the dormitory, infirmary, laundry, apartments of the crew, apartments for bread making, bathrooms, water-closets, ice house, water chests, ladders, hatchways, apparatus for lighting and heating, baths and other equipment, utensils of the kitchen and messes, stock of medicines and disinfectants, distilling apparatus, life-saving boats, various life-saving devices and life-preservers, fire-extinguishing apparatus, and all the other things with which the ship is supplied, comply respectively with the provisions of the regulations as regards proper arrangement, quality, quantity, and conditions of cleanliness. It shall also see that the free area allowed emigrants for the voyage to be undertaken is properly determined and that the supply of coal, taking into account the quantity embarked and that to be taken on under normal conditions in the ports of call, shall be sufficient for the duration of the voyage plus one-fourth. It shall then verify the quality and quantity of the provisions, especially the water, and the hygienic measures for their preservation and distribution.

The commission shall indicate, in the record of its procedure, the dimensions and space of the various rooms in which it has permitted the construction and maintenance

[a] Text modified by royal decree, No. 130, of March 14, 1909 (art. 12).

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of berths; and if, owing to any crowding, it should be necessary to make some deduction from the total space, it shall specify the character and dimensions of the obstacles.

It shall also see that the kitchen, bread ovens, and the rooms for making bread are in the condition prescribed in article 133 of the regulations, and that there is on board a room suitable for the safe custody, during the stop of the steamer in the port of destination, of the emigrants not permitted to land. It shall then indicate in the record the situation and capacity of such room, as well as those of the rooms intended for the lodging of the crew.

Finally, it shall provide, under the necessary surveillance, for the disembarking of provisions found spoiled or deteriorated, the use of which might be injurious to the health of the passengers, and have them taken care of in some room pertaining to the harbor master's office.

ART. 146. The commission shall, when it deems necessary, have technical experts called into service through the harbor master for the purpose of ascertaining, in the ship about to depart, the solidity of the berths and the ladders, stability of the partitions and water-closets, of the stalls, and of the railings, or for the purpose of ascertaining other things unforeseen.

The experts must leave with the president of the commission a declaration in triplicate of the facts which they have ascertained, which declaration shall be appended to the record of the inspection. Their opinion shall not bind the judgment of the commission.

If, on the strength of the opinion of the experts, the commission should order work performed in order to change the arrangements of the berths or to reinforce them or make repairs relating to them or other things, or the exchange or increase of supplies, provisions, medicines, or other articles, it shall, before the vessel can take on passengers, make a supplementary inspection to ascertain that the orders given have been duly carried out.

The compensation for such expert examination, to be determined by the harbor master, shall be paid by the transporter only in the case contemplated in the foregoing paragraph; in other cases it shall be paid from the emigration fund.

ART. 147. When the inspection is finished, the commission shall draw up, on unstamped paper for administrative use, a record in triplicate, the first copy to be for the harbor master, the second for the inspector of emigration, and the third for the use of the captain and military physician on board the vessel, or of the traveling commissioner, all of whom shall sign the record together with the members of the commission.

The declaration of the fitness of the steamer or of its unfitness shall be made unanimously by the commission, which, if the declaration is of unfitness, must specify the reasons of such unfitness in the records.

In case of a disagreement, the various members of the commission must give their votes in a separate record, stating grounds; and if the disagreement is due to sanitary reasons, the matter shall be reported to the prefect, who shall decide at once, after consulting the provincial physician or the harbor master.

If the disagreement relates to other subjects, the harbor master shall decide the controversy.

ART. 148. The final inspection on the date of departure of the steamer must be made by a commission composed of the inspector of emigration, as president; of a port physician; and of the military physician on board the vessel or the traveling commissioner. The employee mentioned in article 144 above shall act as secretary.

The harbor master shall also place at the disposal of the port physician, for service during inspection, an adequate number of subaltern officers and seamen of the lower harbor force.

The inspection shall begin at the hour agreed upon between the inspector of emigration and the transporter, and it shall extend also to passengers of other classes in accordance with the regulations in force.

If the inspection of the emigrants is made on land in a suitable place, the commission must not permit any person who does not belong to the service to remain, during the embarkation of the emigrants, in the room where the commission has met, and it shall admit only the transporter or his representative and consular officers.

During the same time no operation of embarkation and distribution of merchandise shall go on, nor shall any stranger be allowed on board, save such experts as the commission may deem proper to allow, in each case, under its responsibility.

ART. 149. Before the emigrants are permitted to embark, their personal effects, if not entirely clean, must, at the expense of the emigration fund, be subjected to disinfection in the place used for this purpose in the port of departure. The effects which the emigrant does not carry with him into the steerage for his personal use during the voyage, and which are deposited in the hold locked up in chests, may be exempt from compulsory disinfection.

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In the place mentioned, the port physician, with the assistance of the ship physician and of the nurses placed at his disposal by the captain, shall take care to obtain, by means of tepid baths, the greatest personal cleanliness in those emigrants that lack it.

Until the proper apartment is ready for use, the disinfection of the unclean articles of personal use shall be done on board, at the expense of the transporter, by means of an apparatus with which the steamer must be provided, under the surveillance of the port or ship physician. Thus also those persons whom the physicians shall have recognized as needing cleansing baths shall, unless other provisions are made, be subjected to a tepid shower bath on board the steamer about to depart, in the apartments indicated in the last paragraph of article 111, with the precautions suggested by circumstances.

ART. 150. The captain shall be obliged to present to the members of the commission a list of the emigrants and passengers of the other classes, drawn up in accordance with the appended model F.

The commission shall avail itself of this list in order to verify the identity of the persons as they pass forward, and it shall, before permitting the steamer to depart, see that the names of all persons that have not departed and the total number of those embarking are placed at the foot of the list, and the list, signed by the captain, shall be preserved by the inspector of emigration.

The captain shall have on board a register conforming to said model, in which before departure he shall enter the names of the passengers embarked. During the voyage he must keep this register up to date, and indicate therein the passengers embarked at the successive stops, indicating therein the landing of those persons who quit the ship.

At every intermediate stop the military physician, or the traveling commissioner, shall have presented to him by the captain a list of the passengers to be disembarked and a supplementary list of those to be embarked, containing their names, names of their parents, their age, birthplace, and residence, occupation, and class to be occupied on board; and, after verifying by means of the record of inspection and the recapitulation pertaining thereto that there are sufficient places available in the various classes, he shall see that the disembarkations and embarkations are duly indicated on the register of the passengers and he shall summarize the results upon the aforesaid recapitulation at the foot of the record of inspection.

ART. 151. During the inspection the commission shall:

1. Verify the good state of health of the crew and of all persons embarked.

2. In case there appear sick or convalescent persons, with respect to the provisions of article 87 of the Merchant Marine Code, prevent their departure if the cases are grave or the sickness is of an infective or transmissible character, or if the persons might discommode the other passengers, paying special attention to the condition of health of persons coming from localities where epidemic maladies prevail.

3. See that all persons under 16 and over 1 year of age are provided with the regular certificate of vaccination or a certificate to the effect that they have had smallpox, it being the duty of the transporters to ascertain that such persons are provided with the documents prescribed. It may, however, in view of special circumstances and when it considers that no inconvenience will arise, permit the embarkation of a few children not provided with certificates, see that the ship physician has them taken into the infirmaries, with the persons having charge of them, and that they are vaccinated during the first few days of the voyage, then making mention of the fact in the Medical Journal.

4. See that the children from 9 to 15 years of age, who are not traveling under the conditions provided for in the last paragraph of the foregoing article 4, are provided with a work book[a]; ascertain that the indications given in the medical declaration of the book correspond to the physical condition of the children, and take measures according to circumstances.

5. Ascertain that each emigrant carries with him in the dormitories a sufficient supply of articles of clothing for the voyage, and that these articles are stowed in such a way as not to crowd the passage in the steerage.

6. Ascertain that the emigrants, upon going on board, have their passport and ticket, and that these documents contain all the indications prescribed by the present regulations.

7. See that the steamer embarks the baggage of the emigrants, taking care that the latter are given a check indicating the number of the steamer, date of departure, and the numbers placed on each piece of baggage. If any of the emigrants must, for any reason, be left on land, it shall see that their baggage is disembarked. If, owing to

[a] A small record book showing past employment, common among working classes in many parts of Europe.

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delays in railroads or other causes, any emigrants have to depart without baggage, it shall have compiled a list of the baggage, with the proper statements, in order that the transporter may have it shipped to the owner by the next departing steamer.

8. See that, in the apartment of the men and those of the women, the berths are regularly assigned, and that for each passenger and each head of family the number of the berths be indicated on ticket, bearing in mind that berths for children should not be too near a hatchway or ventilators, end favor being made to assign to them preferably berths in the lower tier.

9. Examine the crew list in order to ascertain that the steamer has on board a sufficient number of persons assigned exclusively to the service of the passengers, and that on foreign steamers there is embarked a person capable of acting as interpreter, who shall have been previously authorized to perform such office by the inspector of emigration.

10. Ascertain that the messes have been regularly arranged on board and the proper utensils distributed; and taking as a basis the mess regulation and the tickets ied to the head of messes, ascertain that each emigrant has had assigned and distributed to him the ration of victuals due him in accordance with the regulations in force.

11. See that large cattle are placed between solidly constructed stalls on deck, so that no injury to persons can result.

12. See that, in the apartments under deck, there are not placed any hogs, goats, or substances likely to transmit a disagreeable odor or emit injurious exhalations, and also that the steamer has not embarked dangerous merchandise, the transportation of which is forbidden by regulations in force to vessels carrying passengers.

13. Ascertain in the case of a foreign steamer that, as regards passengers not classed as emigrants, there has been furnished the harbor master, in the manner indicated in the last paragraph of article 44 above, the bond prescribed by article 91 of the Merchant Marine Code and article 68 of the regulations on the transportation of passengers, approved by royal decree No. 178 of May 20, 1897, and No. 458 of October 19, 1898.

14. Make, finally, all the verifications which it shall deem proper in order to ascertain that all the provisions of the regulations have been complied with.

ART. 152. In the inspection made upon departure the inspector of emigration must gather the complaints of the emigrants in the cases provided for in article 21 of the law, drawing up, where necessary, a proper record and adopting the necessary measures, according to whether these measures are within his jurisdiction or that of other authorities.

If, upon the departure of the steamer, it should be learned by the commission or any officer belonging to the commissioner's department, or by any other authorities, that changes have been made in the regulations regarding rooms, equipment, or space, as permitted by the commissioner charged with the preliminary and final inspections, a record shall be drawn up of such contraventions, in order that the penalty prescribed by article 31 of the law on emigration and other laws may be applied.

ART. 153. When the embarkation of the emigrants and higher-class passengers has been completed and the facts required have been ascertained, the commission shall draw up a record on unstamped paper for administrative use, in triplicate, which shall be signed by the members composing the said commission and by the captain. One of the copies shall be preserved by the inspector of emigration, another shall be sent to the harbor master, and the third to the captain for his use and that of the military physician on board, or the traveling commissioner.

In case it should be shown from this examination that a larger number of passengers has been embarked than that which the steamer is capable of holding, the surplus passengers embarked shall be made to land again. In the case of emigrants already holding a ticket and who are thus obliged to remain on land, the inspector shall see that free victuals and lodging are furnished them at the expense of the transporter, in the lodging place or authorized inns, until the next embarkation takes place, all rights being reserved to institute proceedings for damages owing to the delayed departure and the renunciation of the shipping contract by the emigrant, in the manner prescribed by law, and to institute any subsequent proceedings for violation in case of guilt or negligence on the part of the transporter or his employees. Of all this mention shall be made in the record.

This record shall be prepared in all its parts in so clear and complete a manner that an examination thereof shall show exactly the conditions in which the vessel departed.

The vessel shall not be allowed to depart without the unanimous consent of the commission, shown from the proper record.

When the commission shall decide to suspend the departure of a vessel it must specify its reason in the record.

In case of disagreement the several members of the commission must give reasons for their vote in a separate record, and the matter shall be reported to the prefect, who shall decide without delay.

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ART. 154. From the preliminary inspection made on board a steamer engaged in the transportation of emigrants, and which is to proceed from one to another of the ports indicated in article 9 of the law in order to embark new emigrants there, it must be regularly shown that the supply of water, victuals, medicines, and number of physicians, nurses, and other persons in the service, the supply of life-saving boats and all all other requisites prescribed by the regulations correspond to the maximum number of emigrants which the lodging apartments are recognized as being capable of holding according to the authorization given in the record of inspection.

If in the said preliminary inspection the commission has authorized the captain to complete the equipment of the vessel in the port of call, he must make an explicit declaration of the fact before closing the record. In this case it shall not be permissible to allow other emigrants to embark in the port of call unless it is first ascertained from a summary inspection made there by the commission referred to in article 144 above, that the captain has satisfied all the obligations imposed by the present regulations.

ART. 155. For the whole work performed in the preliminary inspection and in the final inspection referred to in the present section, there shall be due the government officials and agents the following remuneration, to be paid out of the immigration funds: Ten lire for each official of the board and the port physician; 4 lire to the person acting as secretary; 2 lire to each petty officer; 1 lira to each of the other members of the harbor force.

ART. 156. The parties fitting out the vessel, or their agents, or the representatives of national or foreign steamers departing from the kingdom and destined beyond the Suez Canal with third-class passengers, not considered as emigrants for the purpose of the third paragraph of article 6 of the law, must give notice in due time of the departure to the inspector of immigration, or to the public security officer when there is not an inspector, transmitting a list of all passengers embarked in the kingdom, giving names and surnames, age and country of each, and in the case of Italians also the commune in which they reside.

The inspector or public security official shall proceed on board to watch over the departure of said passengers; he shall ascertain, in the inspection, that Italians are provided with proper passports and the regular passage ticket in two copies, one to be withheld by the inspector, and that each one has been assigned a berth, as well as the ration of victuals usually allowed to third-class passengers.

VII. *Vigilance on board.*

ART. 157. Besides the direction of the medical service, a government physician shall also look after the interests of the emigrants during the voyage.

The government physician, or the traveling commissioner who takes his place in exercising the vigilance referred to in Article 32 above, must not interfere in matters within the jurisdiction of the officers of the ship, though he must require scrupulously the enforcement of the law and regulations. In turn, the captain shall see that the physician, or the commissioner, is enabled to perform his proper office.

ART. 158. In discharging the duties of vigilance the military physician, or the commissioner, shall keep with the greatest regularity a diary of the voyage, on which he shall note—

1. Any evil conditions noticed and the measures taken.
2. Complaints received and the measures adopted.
3. Violations discovered.
4. The exact hour of arrival and that of departure in the various ports of call, communications made to him by the captain in accordance with Article 96 above, and his own observations in regard to the matter.
5. Suggestions for any kind of improvements which experience may dictate to him for the care of the emigrants.

The diary must be previously numbered, stamped, and signed by the harbor master of the port of departure. Everything shall be written in succession, without blank spaces or erasures, and it shall be closed every twenty-four hours.

ART. 159. The military physician, [illegible] shall agree in drawing up a set of internal regulations for the purpose of determining, with regard to the emigrants, the hours—

(*a*) Of waking.
(*b*) Of cleaning of rooms.
(*c*) Of meals.
(*d*) Of recreation.
(*e*) Of medical inspections.
(*f*) Of silence.
(*g*) Of letting fresh water into the tubs, as provided in article 111 above.

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It shall also be ascertained whether the captain has prepared a table indicating the place assigned to each member of the crew, including the officers, in the following cases:

1. Fall of a man into the sea.
2. Fire on board.
3. Collision with another vessel.
4. Stranding.

ART. 160. The military physician, or the commissioner, shall also see—

1. That the internal regulations are scrupulously observed in every part.

2. That no modifications are made in the arrangement of the various apartments for the use of the emigrants and in the measures prescribed by the inspecting commission, unless due reasons warrant some variation in the adaptation, ventilation, or distribution of the apartments, when a detailed report of the facts shall be made in the diary.

3. That no changes are made in the general arrangement on board or in the position assigned to the emigrants, unless he recognizes the suitability thereof.

4. That the persons assigned to the service of the emigrants are regularly kept occupied in this office and not distracted by other occupations, except in case of uncontrollable accident.

5. That said persons or any other member of the crew do not use violent or impolite methods towards the emigrants.

6. That the victuals are distributed at the hour prescribed according to the quantity and quality determined in the table, making sure, by testing it before distribution, that the food is properly prepared.

7. That the water is of good quality and the wine genuine, and that they are distributed in the quantity prescribed; and also that the water chests on deck and in the corridors are always properly supplied and that the faucets work regularly.

8. That the table containing the rates of charges is kept in a conspicuous place, these charges being approved by the immigration inspector and the table stating the foods and drinks which the commissioners' department will allow to be sold to the emigrants on board.

9. That the meat of slaughtered oxen shall not be distributed without a careful sanitary inspection, made for the purpose of ascertaining that the oxen were free from disease which might be injurious to the health of the emigrants; and that the meat is fully cooked in all cases.

10. That the children, according to the different cases, have their special food, and that sick and convalescent persons, and women with infant children, are especially furnished food in accordance with the provisions previously established.

11. That the receptacles of the messes are always clean and well preserved.

12. That the emigrants, and especially women with children, are always enabled to have easy access to the lavatories and that the water in the latter is frequently renewed.

13. That the stalls and water-closets are washed every day or whenever it may be necessary, with an abundance of water and disinfectant; that the greatest cleanliness is maintained always in every particular; and that the provisions of article 118, letter *f*, with regard to the washing and cleaning of the emigrants' apartments, are carried out.

14. That the spaces assigned to the emigrants on deck are always left free.

15. That the annular life-saving devices are always in their proper place, situated and secured in such a manner as to be easily thrown to sea in case of accident.

16. That the equipment of the berths, including life preservers, are always complete and kept as clean as possible, and that the emigrants are taught to use life-preservers (belts).

17. That, either night or day, except the hour at which the rooms are cleaned, no stranger is allowed to enter the apartment of the women and that acts contrary to good morals are rigorously and promptly punished.

18. That the infirmaries are constantly kept in such condition as to be able to receive at any moment persons who may have to be attended therein, and that no member of the crew, except nurses assigned for night duty, is allowed to occupy any of the berths.

19. That the life-saving boats are always kept staunch, provided with all the necessary equipment for sailing and rowing, and free from any baggage not belonging to their rigging.

20. That during bad weather all precautions are taken in order that no accidents may happen, and that, if necessary, railings are arranged along the deck for the use of those who may have to pass there.

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21. That all the movable parts of the space above deck are in proper place in order that no persons may be thrown in the sea; that the lids of the hatchways are suitably situated in order that water shall not leak into the apartments or the steerage; that the ladders are kept in the condition prescribed by article 101 above, and that regular use is made of the winter awnings, and of the summer awnings and curtains, in order to protect the emigrants from rain and sun.

22. That all gambling is prohibited among the emigrants and that violations are punished by disciplinary penalties.

23. That, without his consent, no spirituous liquors, including wine, are sold on board to the immigrants.

24. That in case of death or birth on board, all the provisions of law are observed.

The military physician, or the commissioner, may require the captain to take such other measures as he may deem necessary in the interests of the emigrants.

ART. 161. Every day the military physician, or the commissioner, shall make an inspection in the apartments of both the men and women and in the infirmaries in order to ascertain that all is proceeding regularly, questioning the emigrants, casually, as to the complaints which they may have to make.

He shall frequently inspect the kitchen in order to assure himself that the proper utensils are always perfectly tinned and the pantry in order, and ascertain that the provisions are properly preserved, and see that all spoiled provisions are set aside and not used.

During the night he shall make rounds in order to see that everything is in order in the dormitories and infirmaries; that the steerage (corridors) water-closets, and infirmaries are properly illuminated; that the chief steward and nurses are at their posts; that silence is maintained; and that no disturbances occur.

Every day he shall inspect a group of emigrants and their clothing, so that all emigrants shall be inspected at regular periods.

ART. 162. If the military physician, or the commissioner, receives complaints, he shall ascertain whether they are well founded, in which case he shall propose to the captain such measures as he may deem most suitable for the purposes of remedying the defects complained of, and he shall take care that his measures are adopted.

If his suggestions are not immediately complied with, or the measures taken are inadequate, he shall remonstrate with the captain; and if still unsuccessful, he shall take down the depositions of the complainants on the record, which he shall have signed by their names or crosses, and signed by two witnesses. The record must then be delivered to the consular officer or other authority of the Kingdom in order that, when the facts have been corroborated and the interested parties interrogated, they may take measure according to their jurisdiction.

He shall also deliver to the same authority the records of violations which he may have had occasion to draw up in connection with infractions of the law and of the present regulations.

He is also authorized to make a record of complaints made to him by passengers of the first and second class who have embarked in Italian ports. In all cases he shall make mention of the fact in the diary of the voyage.

ART. 163. In the ports of call or rest, the military physician, or the commissioner, must not leave the steamer except on matters connected with the service.

He shall demand assistance of the consular authorities in case, during the voyage, evil conditions are noticed which it has been impossible to remedy owing to the refusal of the captain.

He shall see that the captain, where possible, takes measures for the embarkation of lacking provisions, or provisions to take the place of such as may have become spoiled during the voyage; and, before permitting their embarkation, he shall assure himself of their good quality and sufficient quantity.

In case passengers are embarked he shall see—

1. That a larger number is not taken on than there is available space for.

2. That they are not affected with any transmissible or contagious disease, adhering in this regard to the provisions of article 87 of the Merchant Marine Code.

3. That all persons under 16 years of age and over 1 year are vaccinated.

4. That unclean clothing is disinfected.

5. That a berth is assigned to each of the emigrants immediately.

6. That a register of passengers as prescribed by article 152 is submitted by the captain.

In the case provided by article 32 above, this service of vigilance devolves upon the commissioner, assisted by the ship physician.

ART. 164. Upon arrival in the port of destination, and as soon as the steamer is allowed to proceed, the military physician or the commissioner shall go to the consular authorities, to whom he shall present the diary of the voyage for the visé of said

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officers, and, on a separate sheet, a succinct report of the voyage completed. The captain is obliged to furnish him means of going on land and returning on board.

If requested, he shall assist the consular officers in the operation of embarking or disembarking the emigrants.

ART. 165. Upon returning to an Italian port, the military physician or the commissioner shall deliver to the harbor master a diary of the voyage, and to the inspector of immigration the following documents:

(*a*) A special report on the working of the service during the entire voyage, on the events which have occurred, on the operations conducted in the ports of call, on the fitness of the steamer to transport emigrants in view of the provisions of the laws and regulations, as well as on all other matters which he may deem worthy of mention for the betterment of the service.

(*b*) The journal of complaints referred to in article 82, and complaints made to him by the emigrants, and the record of violations which he may have drawn up.

In case of grave mistreatment having been committed on board during the voyage by the officers, to the detriment of members of the crew, the military physician or the commissioner shall make mention of the matter in his report in order that the commissioner's department may take the matter into account in considering whether to revoke or renew the license.

VIII. *Special provisions.*

ART. 166. When, in a steamer devoted to the transportation of emigrants, there are other classes besides that to which emigrants are assigned, usually called the third class, the commissioners of immigration shall, after carrying out the proper investigation and taking into account the fares paid by the passengers, the treatment accorded them, and all other circumstances likely to furnish clues from which to form a judgment, decide without appeal in each case whether any of the other classes are to be considered equivalent to the third class for the purposes of article 6 of the law.

NOTE.—The following are articles 14, 15, and 16 of royal decree No. 130, of March 14, 1909:

ART. 14. The commission of inspection as to fitness is obliged to examine all of the lodging apartments of passengers, and to declare according to the rules established by the commissioner's department what apartments on each steamer are third class, taking into account their equipment and requisites. The transporter shall be obliged to comply with the judgment of the commission, except that he shall have the right of appeal to the commissioner's department within fifteen days following the departure of the steamer.

The transporter must announce to the harbor master, who is president of the commission making the inspection for fitness, all variations introduced into the lodging apartments of the various classes.

Upon receiving such announcement, the president of the commission, with the consent of the inspector of immigration, shall briefly examine as to whether, in consequence of the changes made in the arrangements, there have been created new apartments which may be declared to belong to third class. In this latter case the steamer shall be subjected to a new special inspection.

ART. 15. The commission or preliminary inspector shall examine all the apartments intended for lodging passengers and give immediate notice to the harbor master if he finds apartments which he deems ought to be considered third class.

Upon receiving such notice, the harbor master shall immediately call a meeting of the commission on fitness inspection in order to ascertain the facts in accordance with the foregoing article.

ART. 16. The royal traveling commissioner and the inspection commissioner, when they ascertain that there are classes on board the steamer which may be declared equivalent to the third class, must give immediate notice of the fact to the commissioner's department.

ART. 167. In articles 63, 88, 99, 101, 102, 110, 112, 124, 125, 126, 129, and 191 of these regulations the word emigrant is used to signify a person who has attained the age of 10 years, or else two children between 1 and 10 years of age, in accordance with the provisions of article 108 above.

ART. 168. Steamers devoted to the transportation of emigrants shall not stop over thirty-six hours in each intermediate port of the voyage in progress, except in case of unavoidable accident; and the total duration of the stops made shall not exceed one-fourth the total duration of the voyage, computed from the date of the departure to that of arrival at the port of destination. Upon the return of the steamer, the harbor master, proceeding in the manner indicated in the last paragraph of article 96, shall order the necessary investigations to ascertain whether or not longer stops

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in the ports of call, or the increased duration of the voyage, are justified by unavoidable accidents. A record relating to the subject should be transmitted, together with the opinion of the harbor master, to the ministry of the navy, which shall judge beyond appeal, giving its decision to the commissioner's department. The steamer shall be prohibited from taking in tow during the voyage any ship or craft whatsoever, excepting cases in which aid is lent to vessels in peril.

ART. 169. When the steamer, save in case of unavoidable accident, consumes a larger number of days in the voyage (including stops) than that indicated by the transporter or his representatives in the tickets sold to the emigrants, said transporter shall be liable, for every day consumed in addition, to a fine not exceeding 1,000 lire, according to article 31, paragraph 7, of the law. One day's grace shall be granted to steamers which have maintained an average speed exceeding 14 miles per hour.

The transporter and his representatives shall be forbidden to state on the passage ticket that the voyage shall continue a greater number of days than that publicly announced by them.

ART. 170.[a] Transporters of emigrants, who convey third-class passengers of Italian nationality from a foreign transoceanic port directly to Italy, must obey all the provisions contained in the regulations regarding speed, nautical conditions, arrangement, and equipment of steamers, and they must also comply with the provisions in force concerning the treatment of emigrants with regard to victuals, hygiene, medical assistance, the spaces in the dormitories, and the free area on deck. Unless authorized by the commissioner's department, the transporter of emigrants shall not exceed the price of passage established for outward voyages, in accordance with article 14 of the law.

In the case of return voyages of steamers which have departed from Italy with emigrants, the government physician shall continue, up to the arrival in the Italian port of debarkation, to have the direction of the hygienic services and the care of all matters concerning the third-class passengers, persons who are not Italians having the privilege of securing the attendance of the physician embarked by the transporter. If the latter has not embarked a physician of his own, the government physician shall also assume medical attendance of the other passengers and the crew. Said physician, or in his default the government commissioner, shall continue discharging the duties of surveillance in regard to third-class Italian passengers.

These provisions shall be applicable also in case of transshipment of third-class Italian passengers in the ports of the Mediterranean.

Before steamers, Italian or foreign, undertake the return voyage, the government physician shall see that the necessary washing and disinfecting have been done in order that the hygiene on board may answer the conditions imposed for departure from Italian ports in every respect and especially with regard to the berths, mattresses, and covers. A transporter, whether Italian or foreign, who, through his own agents in countries beyond the ocean, issues passenger tickets to Italian emigrants desirous of returning home, must comply with the provisions of article 74 of the regulations, as regards the information to be placed on the ticket.

On the passenger tickets it must also be specified whether the passenger is to be transported directly to the Italian port of destination, or whether there is to be a transshipment in an intermediate foreign or Italian port to another steamer, or conveyance by railroad. In case there is transshipment in a Mediterranean port to another steamer, the latter must possess the requisites provided by article 1 of the present decree (article 63 of the regulations); and the government physician or the royal commissioner taking his place must also embark on said steamer, together with the passengers, in order to look after them.

If the departure is then delayed, the transporter shall be obliged, whatever be the cause of the delay, to provide the expense of the victuals and lodging of the emigrant who has reached the port of embarkation, from the date of departure indicated on the ticket until the day on which the departure takes place, complying with the rules which shall be established in this regard by the Italian consular officers of the place.

NOTE.—The following is article 19 of royal decree No. 130, of March 14, 1909:

The following provisions are substituted in place of those of royal decree No. 411, of June 28, 1909:

The captain of a national or foreign steamer which is not inscribed on the license of a transporter undertaking voyages from American ports must, if he embarks more than fifty third-class Italian passengers, or passengers of an equivalent class, bound for a port of Italy, provide himself with a special license from the royal Italian consular authorities.

This license may be granted:

[a] Text modified by royal decree No. 130, of March 14, 1909 (art. 18).

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(*a*) If the steamer has not been previously excluded or struck off the emigration service.

(*b*) If the steamer is bound for one of the ports indicated in article 9 of the law on emigration.

(*c*) If the steamer has the requisites of speed, nautical qualities, arrangement, and equipment, in accordance with the provisions contained in the present decree and in the regulations approved by royal decree No. 375, of July 10, 1901, and modified by decree No. 540, December 11, 1902.

(*d*) If the third-class passengers are given treatment with respect to victuals and lodging not inferior to that required for emigrants leaving Italy.

(*e*) If the steamer embarks an Italian physician authorized by the consul, for the hygienic care and medical attendance of the passengers.

The consular authority shall make the license subject, if he deems proper, to a previous inspection of the steamer which he shall have made by experts of his confidence at the expense of the captain.

The license shall indicate all the conditions imposed upon the captain.

The captain shall, upon reaching an Italian port in which he has to disembark passengers, send the list prescribed by article 185 of the regulations on emigration to the inspector of emigration.

The consul may, in order to issue the license, require that the steamer be subjected in Italy to the special inspection referred to in article 138 of the regulations.

As soon as the steamer has reached an Italian port in which it has to land passengers, the physician shall send to the inspector of emigration a report on the progress of the service during the voyage and on the events which have occurred.

The inspector of emigration shall proceed at once on board, before the steamer is permitted to disembark the third-class passengers, and make the inspection prescribed by article 186 of the regulations.

If the captain has not provided himself with a consular license, the landing of the passengers shall not be permitted from the steamer unless the emigration inspector, or an officer of the sanitary police, according to whether it is a port indicated in article 9 of the law on emigration or another port, has acquiesced therein. The inspector of emigration or the officer of the sanitary police shall proceed to make the inspection referred to above and to ascertain any violations which may have been made by the captain.

The consular license shall also be obligatory, under observance of the conditions indicated in paragraphs *d* and *e*, with respect to steamers navigating under license and on which no royal commissioner is embarked.

ART. 171 [a] An Italian emigrant returning home on an Italian or foreign steamer belonging to a transporter of emigrants, may present a complaint to the military physician or the traveling commissioner, or to the inspector of emigration, regarding injuries which he may have received in the course of the voyage through the negligence of the transporter or his agents.

A board of arbitration in the port of arrival in Italy shall be competent to judge in accordance with the rules established by law and the present regulations.

NOTE.—The following is article 20 of royal decree No. 130, of March 14, 1909:

Provisions shall be made for possible transshipment in intermediary ports, and for landing in ports of arrival, of passengers of the third class or equivalent class and of their baggage, in accordance with the rules established by the commissioner's department, under the supervision and at the expense of the transporter, or of the captain in case of a ship not carrying a transporter's license.

ART. 172. In case a sailing vessel should be authorized to transport emigrants on transoceanic voyages, it shall be subject to the provisions of these regulations as far as applicable, save the modifications which the harbor master, in agreement with the inspector of emigration, may deem convenient to establish in view of special circumstances.

ART. 173. Without prejudice to the application of heavier penalties provided by the penal code, the Merchant Marine Code, and other laws, infractions of the provisions of the present title shall be punished by a fine up to 1,000 lire, in accordance with article 31, paragraph 7, of the law.

NOTE.—The following is article 23 of royal decree No. 130, of March 14, 1909:

Without prejudice to the application of higher penalties provided by other laws, infractions of the provisions of the present decree shall be punished by a fine up to 1,000 lire, in accordance with article 31, paragraph 7, of the law of emigration, No. 23, of January 31, 1901.

[a] Text modified by royal decree No. 540, of December 11, 1902.

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STATE IMMIGRATION AND ALIEN LAWS.

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LETTER OF TRANSMITTAL.

THE IMMIGRATION COMMISSION,
Washington, D. C., December 5, 1910.

To the Sixty-first Congress:

I have the honor to transmit herewith, on behalf of the Immigration Commission, a report entitled "State Immigration and Alien Laws." This report, which was compiled under the direction of the Commission by John W. Clifton, Esq., contains the principal legislative enactments of the various States respecting immigration, including the earlier laws of some of the seaboard States for the regulation of the movements from foreign countries.

Respectfully,

WILLIAM P. DILLINGHAM,
Chairman.

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INTRODUCTORY.

The compilation of the State immigration and alien laws presented herewith in a measure supplements the review of Federal immigration legislation which also forms part of this volume. In that review the efforts of some of the seaboard States to regulate the immigration of aliens through their ports are described and reference is made to the various State laws that were enacted prior to the time when the Federal Government assumed control of the immigration movement. The State immigration laws referred to are included in this compilation.

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ALABAMA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

In the State of Alabama, as in other States of the South, the laws relating to immigration are the product of a process of development having its genesis in the industrial revolution wrought by the civil war. Advanced in a single step from compulsory servitude to complete industrial and political freedom the laboring class became disorganized and, consequently, of doubtful reliability and efficiency. So the needs of the community required the introduction of manual workers from other sources while conditions were in process of adjustment.

Act of 1871.—In 1871 the State, by act of the general assembly, empowered certain specified citizens and their associates to devise and execute all practicable plans "not inconsistent with the laws of the United States or the laws of the State of Alabama to invite and procure immigrants to settle within the boundary of the State of Alabama," provided that no one of the specified parties shall have power to charge the credit of the State or his associates with any liability or expense incurred by his acts.

Act of 1874–75.—In 1874–75 an act created the office of immigration commissioner and a board of commissioners and directors. Full power is conferred to "adopt such a constitution and by-laws and rules and regulations as may be applicable and safe * * * to induce and encourage immigration." It shall be the duty of the commissioner to collect comprehensive data for the "intelligent enlightenment of both capital and labor on the products, resources, and opportunities of the State; and to publish literature for general distribution showing the comparative advantages of this State in all matters affecting the interest of labor and capital;" to circulate the information among persons wherever it may be regarded as serving the interests of the State; and to provide for a depot of immigration at the State's best seaport in order to facilitate the objects contemplated by this act. The commissioner shall have power to appoint agents to "induce and direct desirable immigration;" to disseminate information about the resources of the State; to adjust lines of transit—insuring safety, dispatch, and cheapness; to cooperate with several counties of the State in securing contributions and in locating immigrants; and "to make contracts for immigrants for planters, mining, and railroad corporations, or persons in the State of Alabama who desire to avail themselves of the benefits of this act." Compensation for the services of such officials shall not be provided by the State, but from funds raised by private initiative.

The act of 1874–75 conferred upon aliens the right to acquire, hold, and dispose of property, real or personal, as native citizens.

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Act of 1875–76.—By act of 1875–76 the governor was authorized to appoint a commissioner and two assistant commissioners of immigration with the same powers and duties as are provided in the prior act. Compensation is provided from "per capita commissions on immigrants and commissions on the lease and sale of lands."

Act of 1876.—The law of 1876 provided "that contracts for labor for a period of service not exceeding two years made in a foreign country shall be respected and enforced by the authorities of the State to the same extent and in the same manner as if made in the State." And where such a contract is made by a minor with the written assent of the father, mother, or guardian, according as the circumstances may require; or if made by a married woman, with the written assent of her husband, it will be valid and binding. The law requires contracts of service to be registered in the office of the probate judge within 40 days after the arrival of the immigrant.

A preferred lien upon the products of their labor is reserved to the immigrant or personal security required from the employer to protect the wages of the employee and to guarantee good faith on the part of the employer in carrying out the terms of the contract for the full period of service.

The immigrant is likewise required to fulfill the term of service for which he contracted or suffer an adequate penalty. Persons who shall induce immigrants to violate their contracts are subject to legal action.

Provision is made to give full faith and credit to valid contracts for service held by employers in other States in which similar recognition is accorded such contracts held by Alabama employers in event of a person under contract seeking to violate or evade his contract.

LAWS AS CODIFIED IN 1907.

[Alabama Code, political division, ch. 25, p. 473.]

The immigration board of the State of Alabama shall consist of the governor, who shall be chairman of the board, and the commissioner of agriculture and industries, and an immigration commissioner.

The immigration commissioner shall be appointed by the governor and shall hold office for four years, unless sooner removed by the governor.

The commissioner shall receive for his compensation twenty-four hundred dollars per annum, payable monthly in the manner that other State officers are paid.

The commissioner shall enter into a good and sufficient bond in the sum of five thousand dollars, payable to the State of Alabama, for the faithful performance of his duty.

The immigration commissioner shall from time to time cause the publication of circulars of information and handbooks on the resources of the State, and shall have charge of all work looking to the formation of immigration through the English language and such other languages as the board may designate in regard to climate, resources, and advantages offered by the State of Alabama; and he shall also work more especially for the inducement of desirable immigration and the investment of capital by the dissemination of com-

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plete information relative to soil, climate, natural resources, and industrial opportunities offered by the State.

He shall also collect, from the farmers and landowners of the State, and list information as to the available land, stating the number of acres, the location, and the terms upon which they may be bought, leased, or shared to desirable settlers.

He shall keep a land registry and in connection therewith from time to time shall publish a description of such agricultural, mineral, forest, and trucking lands and factory sites as may be offered to the department for sale or lease. Such publication shall be in attractive form and shall set forth the county, township, number of acres, names and addresses of owners, and such other information as may be helpful in placing home seekers in communication with landowners. All expenses incurred in exploiting private property shall be paid by the persons whose land or property is so advertised.

He shall collect in the form of a general handbook of the State, to be issued when practicable, information showing the nature and industrial resources and advantages of the State, relative to soil, climate, raw and manufactured products, textile fabrics, manufacturing industries, mines, mining, native woods, means of transportation, cost of living, the market, and all material and social advantages for those seeking homes or investments.

In order to facilitate the collection and collation of exact information about the resources of the State on all lines, the heads of the several departments of the state and county governments and of the state institutions shall furnish, as far as practicable, such information as may be at their command to the immigration commissioner when called upon for the same.

The immigration board may make such arrangements with any corporation, firm, association, or individual as may desire to cooperate in any way for the successful promotion of immigration, and may send an agent to any part of the United States or of any foreign country for the purpose of inducing immigration to the State. The board may make such arrangements with railroads and oceanic steamship lines as may be necessary to carry out the provisions of this chapter, provided such corporations, firms, associations, or individuals so cooperating shall pay the expenses of carrying out the provisions herein. The board shall use lawful means to prevent the introduction of undesirable immigrants, and to this end shall investigate the condition of applicants for admission through the department so as to discourage the ingress of persons of an anarchistic tendency, of persons suffering with communicable or contagious disease, of cripples without means of support and unable to perform mental or physical service, of idiots, of lunatics, of persons of bad character, of any persons who are likely to become a charge upon the charity of the State, and of all such persons as will not make good and law-abiding citizens.

Immigrants shall be sought among desirable white citizens of the United States first, and then citizens of English-speaking, French, Belgian, Germanic, and Scandinavian countries.

For the purpose of carrying out the provisions of this chapter as far as it relates to the encouragement of immigration to this State, and for the necessary expenses of the immigration commissioner when

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acting under the direction of the immigration board, there shall be appropriated from the general funds the sum of five thousand dollars annually, or so much thereof as may be necessary.

The immigration commissioner shall be under the supervision and control of the board, and shall not bring or cause to be brought into the State any immigrants, nor make any contract under the laws without the approval of the board.

The immigration commissioner shall draft and submit to the governor on or before the tenth day of January of each year a report covering the department's work of the preceding year, and such report shall be printed in the same manner as other public documents or as shall otherwise be ordered.

[Criminal Code, ch. 231, p. 630.]

Any person, firm, association, or corporation who shall bring or cause to be brought into the State of Alabama any immigrant from any foreign country any other way than through the department of immigration and in accordance with the immigration laws of this State shall be guilty of a misdemeanor, and shall be fined not less than one thousand dollars.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1866.

[Laws of Alabama, 1866, p. 42.]

AN ACT To encourage immigration and to protect immigrant labor.

Whereas the recent radical change in the labor system of the South has rendered the introduction of a new class of laborers necessary: Therefore to encourage and protect the importation of persons for this purpose

SECTION 1. *Be it enacted by the senate and the house of representatives of the State of Alabama in general assembly convened*, That contracts for labor for a term of service not exceeding two years made in a foreign country shall be respected and enforced by the authorities of the State to the same extent and in the same manner as if made within the State; and any such contract made by any minor of the age of sixteen or older, if the assent of the father, or if there be no father, the assent of the mother, or if there be no father or mother the assent of the guardian, be given to the contract, and certified thereon, shall be binding on said minor as fully as if he or she was of full age; and any such contract made by a married woman, the assent of the husband being given and certified thereon, shall be binding on her as if she were a femme sole.

SEC. 2. *Be it further enacted*, That all contracts made as aforesaid shall be in duplicate, the original in the vernacular of the immigrant, the duplicate in the English language, which shall be recorded in the office of the judge of probate within forty days after the arrival of the said immigrant at the residence of his or her employer, and if

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not recorded within forty days the employer shall not be entitled to the benefit of the provisions of this act until the contract shall be recorded.

SEC. 3. *Be it further enacted*, That immigrants under contract as aforesaid shall have a preferred lien on the products of their labor to secure them in the payment of their wages, or when the service is of a character that does not yield any tangible or available products the probate court shall on application require personal security for the payment of wages; and any immigrant who, without good and sufficient cause, being discharged from the service of any employer, may recover from his or her employer, in addition to the amount due for past services, damages not exceeding the wages for the unexpired term of his or her contract.

SEC. 4. *Be it further enacted*, That any immigrant bound by contract as aforesaid who shall, without good and sufficient cause, abandon or leave the service of his or her employer shall be liable to such employer for double the amount of wages for the unexpired term of the service, and any immigrant who shall fail to enter the service of an employer agreeably to contract shall be liable in like manner and for a like amount, and the claim for all such liabilities shall be a lien on all future wages of such immigrants whenever earned or from whomsoever due until the same be repaid; and any person who shall employ any immigrant or otherwise entice any immigrant from his or her employer in violation of the contract of such immigrant shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than the amount of the wages for the unexpired term of the contract, and may be imprisoned, at the discretion of the jury trying the case, for a period of not longer than ———(a) months.

SEC. 5. *Be it further enacted*, That any immigrant who shall abandon or leave the service of an employer without repaying all passage money and all other advances shall be deemed guilty of a misdemeanor, and on conviction fined in a sum not more than double the amount of the wages for the unexpired term of service and imprisoned not longer than ———(a) months, at the discretion of the jury trying the same.

SEC. 6. *Be it further enacted*, That if any other State of the United States has passed or shall pass an act of the same general character of this act and for like purposes, and if any immigrant under contract valid in such States shall leave the service of his or her employer without good and sufficient cause, the employer shall have the same lien and the same rights and remedies for the enforcement as the employers residing in the States.

SEC. 7. *Be it further enacted*, That all the provisions of this act shall extend and apply to all contracts made with the immigrants after their arrival in the United States as well as to contracts made in a foreign country for two years after their arrival in the United States.

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[a] See act of 1867, p. 512.

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ACTS OF 1867.

[Laws of Alabama, 1867, p. 346.]

AN ACT To amend an act to encourage immigration and to protect immigrant labor.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Alabama in general assembly convened*, That section 4 of an act to encourage immigration and to protect immigrant labor, approved February 21, 1866, which reads as follows:

That any immigrant bound by contract as aforesaid who shall, without good and sufficient cause, abandon or leave the service of his or her employer shall be liable to such employer for double the amount of wages for the unexpired term of the service, and any immigrant who shall fail to enter the service of an employer agreeably to the contract shall be liable in like manner and for a like amount; and a claim for all such liabilities shall be a lien on all future wages of such immigrants whenever earned or from whomsoever due until the same be repaid; and any person who shall employ any immigrant or otherwise entice any immigrant from his or her employer in violation of the contract of such immigrant shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than the amount of wages for the unexpired term of the contract, and may be imprisoned, at the discretion of the jury trying the case, for a period not longer than ——— months—

and also section 5 of said act, which reads as follows:

That any immigrant who shall abandon or leave the service of an employer without repaying all passage money and all other advances shall be deemed guilty of a misdemeanor and on conviction fined in a sum not more than double the amount of the wages for the unexpired term of service and imprisoned not longer than ——— months, at the discretion of the jury trying the same—

be amended by filling the blanks with the word "three."

Approved, February 6, 1867.

ACT OF 1872.

[Laws of Alabama, 1872, p. 45.]

AN ACT To aid and induce immigration to the State of Alabama.

SECTION 1. *Be it enacted by the general assembly of Alabama*, That J. G. Michaeloffsky, James K. Murphree, William J. Bibb, and Frederick Bramberg and their associates are hereby authorized to do and perform all things, not inconsistent with the laws of the United States or the laws of the State of Alabama, to invite and procure immigrants to settle within the boundary of the State of Alabama: *Provided*, That no compensation be allowed out of the treasury of Alabama for the exercise of the powers herein contained: *Provided further*, That no personal or pecuniary liability shall be incurred by any one of the above-named parties for the acts or doings of any other of said parties unless participated in by the party sought to be charged therewith: *And provided further*, That this act is not intended to confer corporate authority upon the same.

Approved February 26, 1872.

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ACTS OF 1875.

I.

[Laws of Alabama, 1875, p. 121.]

AN ACT To induce and encourage immigration to the State of Alabama and to provide for the appointment of a commissioner of immigration and a board of commissioners and directors.

SECTION 1. *Be it enacted by the general assembly of Alabama*, That the governor is hereby authorized and empowered to appoint a commissioner of immigration and a board of directors for the State of Alabama. Said commissioner of immigration and board of directors shall and are authorized and empowered to adopt such constitution and by-laws, resolutions, and rules as may be applicable and safe to carry out the aims and objects of the purpose as hereafter set forth in the following articles and sections to induce and encourage immigration without coming in conflict with the Constitution and laws of the United States and State of Alabama.

ART. 1. It shall be the duty of the commissioner of immigration, according to the direction of the board of directors, to collect the fullest possible information and statistics in regard to the resources and products of the State and its topography and geography; also with regard to the price of land, price of wages, and its supply of labor and capital; also in regard to manufacturing, water power, timber, minerals, soils, and climate; also with regard to taxes, exemptions, schools, and such other information as may be useful to immigrants, and to prepare and arrange such information and statistics for ready and convenient reference; and it shall be also the duty of the heads of different departments of the state officers to furnish to said commissioner all information in their power to aid said commissioner in the performance of the duties of his office.

ART. 2. To prepare and publish from time to time, in such languages as may be deemed advisable, circulars, pamphlets, and maps adapted to general circulation in this country and foreign countries, containing such information upon the above-enumerated subjects and others, as may be deemed best, and showing the comparative advantages of this State in all matters affecting the interest of labor and capital.

ART. 3. To collect information and statistics in regard to immigration and all matters relating thereto, both in this country and foreign countries.

ART. 4. To give information to all persons who may apply and such other persons as it may be regarded will serve the interests of the State, and especially to judges of probate, by letters, circulars, and otherwise, of the mode and manner by which the citizens of the State may avail themselves of the advantages arising from immigration.

ART. 5. To provide for an immigration depot in the city of Mobile, at which immigrants may be received and taken care of until the parties that have contracted for them can receive them.

SEC. 2. *Be it further enacted*, That the commissioner of immigration, according to the direction of the board of directors, shall be

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empowered and are hereby authorized to establish offices and appoint agents both in this country and foreign countries and to do all that can be lawfully done to induce and direct desirable immigration to Alabama, and to gather and report information on the subject of immigration, and to impart to immigrants all information in regard to Alabama, and whose duty it shall be, further, to obtain the most favorable terms as to cheapness of fare, speed of transit, and convenience and safety of conveyance to place of destination, and to see that such stipulations are at all times carried out in good faith.

SEC. 3. *Be it further enacted*, That in order to carry out the provisions of this act on the part of the commissioner of immigration and the board of directors, the commissioner of immigration is hereby authorized and empowered, according to the direction of the board of directors, to solicit aid from the various counties of the State of Alabama such as may be necessary to carry out the aims and purposes of this act, and such aid to be applied, at the direction of the board of directors, toward the expense of the accomplishment of the foregoing articles and sections of this act and for the purpose of the publication and translations of said publication in pamphlet form setting forth the resources and showing the comparative advantages which each county of this State possesses for immigration; and in order to equalize the amount from each county as authorized by this section the commissioner of immigration and board of directors jointly shall meet as soon as possible after their appointment to fix and apportion the proper ratio, according to the ability and census of each county, and each apportionment as may be made to each county shall be judiciously and equally divided according to the ability and census of each county, and such application may be made at the option of the commissioner of immigration and the board of directors jointly through the commissioners, courts of the various counties of the State of Alabama, the association of grangers or other organized bodies, such as boards of aldermen, boards of trade, or otherwise, as may be judged best, but it shall be in all cases a volunteer action on the part of the above-named organized bodies and on the part of the people of the various counties of the State of Alabama.

SEC. 4. *Be it further enacted*, That neither the commissioner of immigration nor the board of directors shall pledge the credit of the State as to make it in any way liable for any sums of money beyond that which may be appropriated by voluntary action on the part of the people of this State, and as may be solicited or authorized in the foregoing sections of the various counties, and all agents of immigration, both at home and abroad, as may be appointed by the commissioner of immigration, shall receive no compensation nor salary from the State, and must be paid by the commissioner of immigration, according to the direction of the board of directors, out of the funds as solicited from different counties.

SEC. 5. *Be it further enacted*, That the commissioner of immigration and the board of directors may be appointed by the governor. shall and are hereby empowered jointly to increase their membership to any number, and from different sections of the State of Alabama as may at any time, in their judgment, be beneficial to the success of the commissioner of immigration and the board of directors, and in case any vacancy occurs in said board of directors by resignation or otherwise, then the remaining members shall be empowered

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to fill such vacancies and of such citizens of this State as in their judgment will serve the best interest and purpose of the board of directors.

SEC. 6. *Be it further enacted*, That on and after the passage of this act the commissioner of immigration shall be authorized to advertise in the public journals of this State, according to the direction of the board of directors and in the name of the State of Alabama, to the effect that he is established and ready to receive and make contracts to take applications for immigrants for planters, mining and railroad companies, or other corporations or persons in the State of Alabama who desire to avail themselves of the benefits of this act, and that all other acts in contravention of this act are hereby repealed.

SEC. 7. *Be it further enacted*, That the said commissioner of immigration shall make an annual report of all matters on the subject of immigration and of the operations of the said commissioner and board of directors during each year to the governor, and the governor shall communicate such reports to the general assembly at its annual meeting thereafter: *Provided*, That nothing herein contained shall be construed or held to make the State of Alabama liable or responsible for any expenses incurred by said commissioner of immigration or board of directors in carrying out the provisions of this act.

Approved, February 11, 1875.

II.

[Laws of Alabama, 1875, p. 120.]

AN ACT To enable aliens to acquire, hold, and dispose of property, real and personal, as native citizens.

Whereas an enlightened public policy looking to a speedy development of the resources of our State, especially its mineral resources, demands that our laws should be so shaped that every obstacle obstructing the influx of capital and labor should be removed and the most liberal inducements compatible with the genius of our institutions offered to aliens, as well as native citizens, to invest their money in our State, thus adding to our material wealth and resources: Therefore—

SECTION 1. *Be it enacted by the general assembly of Alabama*, That it shall be lawful for an alien, resident or nonresident, to take and hold property, real and personal, in this State, either by purchase, descent, or devise, and to dispose of and transmit the same by sale, descent, or devise, as a native citizen.

SEC. 2. *Be it further enacted*, That in all cases where aliens, resident or nonresident, have heretofore acquired title to property, real or personal, in this State, in a lawful manner, said aliens, their assigns, heirs, devisees, or representatives, shall hold and dispose of the same in the same manner as native citizens: *Provided*, That no right acquired under existing laws of this State and no suit or proceeding pending in any of the courts of this State and no right of appeal from the judgment or decree of any of the courts of this State is affected by the passage of this act.

Approved, February 25, 1875.

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ACT OF 1876.

[Laws of Alabama, 1876, p. 266.]

AN ACT To induce immigration to the State of Alabama and to provide for the appointment of a commissioner and two assistant commissioners of immigration.

SECTION 1. *Be it enacted by the general assembly of Alabama*, That the governor is hereby authorized and empowered to appoint and commission a commissioner of immigration, and to commission two assistant commissioners of immigration, who shall be appointed by the commissioner and may be removed by him.

SEC. 2. *Be it further enacted*, That it shall be the duty of the commissioners to collect the fullest possible information and statistics as to the resources and products of the State, its topography and geography; also with regard to the price of lands for sale or lease, price of wages, and demand for labor; also with regard to manufacturing, water power, timber, minerals, soil, climate, taxes, exemptions, and schools; and to prepare and arrange such information and statistics for ready and convenient reference; and it shall be the duty of the different officers of the State to furnish said commissioners all information in their power to aid them in the performance of the duties of their office. It shall also be the duty of the commissioners to compile, publish, and circulate, in such manner and by such agencies as they may deem advisable, circulars, maps, and pamphlets descriptive of the resources of and advantages of this State, and other facts and information having a tendency to attract and promote immigration. Suitable office rooms shall be provided for said commissioners at the capital of the State.

SEC. 3. *Be it further enacted*, That said commissioners shall be entitled to such commissions per capita on immigrants and on the sale and lease of lands as may be agreed upon between the parties contracting, but in no case shall the said commissioners pledge the credit of the State for any sum of money whatever.

SEC. 4. *Be it further enacted*, That it shall be the duty of the commissioner of immigration to report to the governor of the State on the 1st day of October of each year a condensed statement of the workings of his department. He shall keep a record of the names, time of arrival, and location of immigrants, so far as he is able to do so, and it shall be the further duty of said commissioners to obtain the most favorable terms for transportation, speed, and safety of transit to place of destination for immigrants. and to see that all stipulations are in such cases carried out in good faith.

SEC. 5. *Be it further enacted*, That on and after the passage of this act the commissioners of immigration shall be ready to receive applications for immigrants and propositions for the sale or lease of lands and other property to immigrants from all persons and corporations in the State of Alabama desiring to avail themselves of the benefits of this act.

SEC. 6. *Be it further enacted*, That in order to carry out the intent and purposes of this act the commisioner is hereby authorized to raise the necessary means by voluntary subscription or donation or loan on such security as he can offer: *Provided, however*, That nothing

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herein contained shall be construed or held as incurring in any manner or creating any claim or obligation whatever upon the State of Alabama.

SEC. 7. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved, March 7, 1876.

ACT OF 1877.

[Laws of Alabama, 1877, p. 124.]

AN ACT To amend an act to induce immigration into the State of Alabama.

SECTION 1. *Be it enacted by the general assembly of Alabama*, That an act entitled "An act to induce immigration to the State of Alabama, and to provide for the appointment of a commissioner and two assistant commissioners of immigration" be so amended as to read:

Be it enacted by the general assembly of Alabama,

SECTION 1. That the governor is hereby authorized to appoint one commissioner of immigration and as many assistant commissioners as he may think proper, who shall be removable at the pleasure of the governor, but who shall not hold their positions for a longer period than two years unless reappointed.

SEC. 2. *Be it further enacted*, That said section 1 as it now stands be, and the same is hereby, repealed.

Approved, February 9, 1877.

ACT OF 1907.

[Alabama State Laws, 1907, No. 249, H. 330, p. 313.]

AN ACT To establish an immigration board for the State of Alabama, to define its duties, to appropriate money to pay the expenses for carrying out its provisions, to provide for the appointment of an immigration commissioner, to define his duties, and to fix his compensation.

SECTION 1. *Be it enacted by the legislature of Alabama*, That the immigration board for the State of Alabama is hereby created, to consist of the governor, who shall be chairman of said board, the commissioner of agriculture and industries, and one immigration commissioner.

SEC. 2. *Be it further enacted*, That the immigration commission shall be appointed by the governor and shall hold office for four years, unless sooner removed by the governor, and shall receive for his compensation twenty-four dollars per annum, payable monthly in the same manner as other State officers are paid, and he shall enter into a good and sufficient bond in the sum of five thousand dollars, payable to the State of Alabama, for the faithful performance of his duty.

SEC. 3. *Be it further enacted*, That the immigration commissioner shall from time to time cause the publication of circulars of information and handbooks on the resources of the State, and shall have charge of all work looking to the promotion of immigration into the State of Alabama, with the collection and publication of information in English and such foreign languages as the immigration board

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may designate, in regard to localities, climate, resources, and advantages which the State of Alabama has to offer to every good class of immigrants, and more specifically to the inducement of capital and desirable immigration by the dissemination of information relative to the advantages of soil and climate and to the natural resources and industrial opportunities offered in this State.

SEC. 4. *Be it further enacted*, That he shall also collect from the farmers and landowners of this State and list information as to the land, stating the number of acres, location, the terms upon which they may be bought, leased, or shared to desirable settlers. That a land registry shall be kept, and in connection therewith, from time to time, publication shall be made descriptive of such listed agricultural, mineral, forest, and trucking lands and factory sites as may be offered to the department for sale or share, which publication shall be in attractive form, setting forth the county, township, number of acres, names and addresses of owners, and such other information as may be helpful in placing inquiring homeseekers in communication with landowners: *Provided*, That all expenses incurred by this section shall be paid by the party or parties whose land or property is so advertised.

SEC. 5. *Be it further enacted*, That the immigration board is empowered to make such arrangements with any corporation, firm, association, or individuals as may desire to cooperate in any way with the board as may best serve the interests of successful immigration into the State of Alabama, and may send an agent to any part of the United States or foreign country for the purpose of inducing immigration into Alabama, and make such arrangements with railroads and oceanic steamers as may be necessary to carry out the provisions of this act: *Provided*, Such corporations, firms, associations, or individuals so cooperating with the board shall pay the expenses in carrying out the provisions as herein set forth in this section.

SEC. 6. *Be it further enacted*, That the commissioner shall collect and collate, in the form of a handbook of the State, to be issued when practicable, information showing the natural and industrial resources and advantages of the State of Alabama, dealing with soil, climate, raw and manufactured products, agricultural and horticultural products, textile fabrics, manufacturing industries, mines and mining, native woods, means of transportation, cost of living, the market, and all material social advantages for those seeking homes and investments in agricultural or manufacturing industries. That in order to facilitate the collection and collation of exact information about the resources of the State on all lines, the heads of the several departments of the state and county governments and of the state institutions are hereby required to furnish as far as practicable such information as may be at their command to the immigration commissioner when called upon for the same.

SEC. 7. *Be it further enacted*, That the immigration board shall use all lawful means to prevent the induction into this State of immigrants of an undesirable class, and to this end shall investigate the conditions of the applicants for admission through the department, so as to discourage the coming in of persons of an anarchistic tendency, of paupers, of persons suffereing with contagious or communicative diseases, of cripples without means and unable to perform

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mental or physical service, of idiots, lunatics, persons of bad character, or of any persons who are likely to become a charge upon the charity of the State, and all such as will not make good and law-abiding citizens.

SEC. 8. *Be it further enacted*, That immigrants shall be sought from desirable white citizens of the United States first, and then citizens of English-speaking and Germanic countries, France and the Scandinavian countries, and Belgium, as prospective citizens of this State, and conformable with the laws of the United States.

SEC. 9. *Be it further enacted*, That it shall be unlawful for any person, firm, association, or corporation to bring or cause to be brought into the State of Alabama any immigrants from any foreign country in any other way than through the department of immigration board, and any such person, firm, corporation, or association who shall violate the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than one thousand dollars.

SEC. 10. *Be it further enacted*, That for the purpose of carrying out the provisions of section 3 of this act, so far as it relates to the encouragement of immigration to this State, traveling expenses of the immigration commissioner when necessary and acting under the directions of the immigration board, there shall be appropriated out of the general funds the sum of five thousand dollars annually, or so much thereof as may be necessary.

SEC. 11. *Be it further enacted*, That the immigration commissioner shall be under the supervision and control of the immigration board, and shall not bring or cause to be brought into the State any immigrants nor make any contract under section 4 of this act without the consent and approval of said board.

SEC. 12. *Be it further enacted*, That the immigration commissioner shall make and submit to the governor, on or before the 10th day of January of each year, a report covering the department's work of the preceding year, and such report shall be printed and treated in the same manner as other public documents or as shall otherwise be ordered.

SEC. 13. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved, March 4, 1907.

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ARIZONA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1885 (an act to create the office and prescribe the duties of commissioner of immigration).—In 1885 a law was enacted creating the office and prescribing the duties of commissioner of immigration. He shall be nominated for a term of two years by the governor, and appointed by and with the consent of the legislative council. He shall receive an annual salary of $2,000 and shall give a bond of $5,000 conditioned for the faithful performance of the duties of the office.

It shall be the duty of the commissioner to furnish information to prospective immigrants and investors; to communicate comprehensive data to immigration bureaus in the Eastern States, Canada, and Europe " for the guidance of such prospective immigrants as may be most conducive to his welfare and the material advancement of the interests of the Territory; to advise immigrants of rates and lines of transportation; to inform immigrants regarding desirable localities to settle; and to publish and to circulate broadly such facts and statistics regarding the Territory as the immigrant, settler, and capitalist may desire." He shall report biennially to the governor for the guidance of legislation. He shall visit every county not less than once a year to " secure reliable information of conditions."

Act of 1901 (an act giving counties the right to appoint a commissioner of immigration).—A law was enacted in 1901 giving to boards of supervisors of the counties of the first class in the Territory the power to appoint a county commissioner of immigration. He shall hold office for two years. His powers and duties shall be of the same general nature as those prescribed for the commissioner of immigration of the Territory in the act of 1885.

Act of 1895 (an act providing for a territorial board of immigration commissioners and prescribing the duties thereof).—The act of 1895 provides for a board of immigration commissioners for the Territory, who shall be appointed by the governor for a term of two years. Each commissioner shall give bond for $2,000. One commissioner shall be appointed from each county and shall reside in the county seat.

It shall be the duty of each commissioner to collect, publish, and distribute data regarding the advantages of the Territory.

Act of 1899 (an act to abolish the territorial board of immigration commissioners).—By the act of 1899 the territorial board of immigration commissioners was abolished.

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IMMIGRATION AND ALIEN LAWS.

ACTS OF 1885.

I.

[Laws of the Territory of Arizona, 1885, p. 40.]

AN ACT To regulate the ownership of real property within this Territory by aliens.

Be it enacted by the legislative assembly of the Territory of Arizona,

SECTION 1. That any alien may acquire by purchase or operation of law, and possess, hold, own, and dispose of any mines or mineral lands within this Territory, and may work, operate, and develop any such mines or mineral lands, and may acquire as aforesaid and hold, own, and dispose of any other real estate within this Territory which such alien may deem necessary or convenient for the purpose of mining, milling, smelting, reducing, or working ores or carrying on any other business incidental to mining operations, or for manufacturing, commercial, agricultural, or grazing purposes: *Provided*, That no alien shall acquire, hold, own, or possess, at any one time, more than three hundred and twenty acres of real estate, exclusive of mines and mineral lands or land necessary or convenient for milling, smelting, reducing, or working ores, or for any other purpose incidental to mining operations.

And if such alien shall die intestate, all property that he may die owning or possessed of shall descend to his heirs, in accordance with the provisions of Chapter XXVI of the Compiled Laws of this Territory, entitled "Of title to real property by descent."

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, February 28, 1885.

II.

[Laws of the Territory of Arizona, 1885, p. 73.]

AN ACT To create the office and prescribe the duties of commissioner of immigration.

Be it enacted by the legislative assembly of the Territory of Arizona,

SECTION 1. There shall be a commissioner of immigration, who shall be nominated by the governor and appointed by and with the advice and consent of the legislative council, and shall hold his office for the term of two years, and until the appointment and qualification of his successor; and he shall give a bond to the Territory, with security, to be approved by the governor, in the sum of five thousand dollars, conditioned for the faithful performance of the duties of the office, and shall enter upon the discharge of the duties of his office on or

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before the thirtieth day after his appointment; and he shall be paid an annual salary of two thousand dollars by warrants, which the auditor is hereby directed to draw in his favor on the treasurer in quarterly payments, payable out of the general fund.

SEC. 2. It shall be the duty of said commissioner:

First. To attend at all times to the giving of such information as may be sought by persons who may desire to emigrate to this Territory or make investments therein.

Second. To open correspondence with immigration bureaus in the Eastern States, Canada, and Europe, and give such advice and exact data for the guidance of the prospective immigrants as may be most conducive to his welfare and the material advancement of the interests of the Territory.

Third. To direct the immigrant as to the cheapest and most expeditious method of reaching the Territory, and endeavor to make such advantageous terms with transportation companies in the way of reduced rates as shall materially assist his coming hither.

Fourth. To give reliable and trustworthy information in regard to localities where the settler may desire to choose a home, and give him every possible assistance after his arrival.

Fifth. To issue from time to time such maps, pamphlets, circulars, reports, etc., on the mining, farming, grazing, timber, and other resources of this Territory as may induce the coming of immigration and the investment of capital, and to distribute in the cities and railroad centers of the Eastern States, Canada, and Europe such documents and in such a manner as will insure them the widest and most useful circulation, and to be prepared at all times to give such facts and statistics regarding the Territory as the immigrant, settler, and capitalist may desire.

SEC. 3. Before the biennial meeting of the legislature the commissioner shall make a report in writing to the governor of the Territory, setting forth the work done in his office and all facts and information of interest in connection therewith, and the governor shall transmit a copy of said report to the legislative assembly.

SEC. 4. To enable the commissioner of immigration to secure reliable information regarding the actual condition of the Territory, he is required to visit every county not less than once in each year. The mileage and actual travelling expenses thus incurred, providing they do not exceed the sum of five hundred dollars per annum, shall be audited and paid out of the territorial general fund in the same manner as other claims are audited and paid, but no such claim shall be audited and paid unless the same shall have been presented in the form of a fully itemized bill and verified.

SEC. 5. To cover the expenses of the publication of maps, pamphlets, circulars, reports, etc., and the distribution of the same, for postage, stationery, rent of office, and other incidental expenses there is hereby appropriated the sum of two thousand dollars annually, to be paid quarterly in warrants drawn on the territorial general fund by the auditor therefor: *Provided*, That no sum shall be paid unless a fully itemized account is presented and duly verified.

SEC. 6. The commissioner of immigration shall have his office within the Territory, and shall have power to appoint a deputy with

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full authority to act and for whom the commissioner shall be responsible in all things.

SEC. 7. Upon the expiration of the term of said commissioner he shall turn over to his duly qualified successor all property, books, papers, accounts, letters, and all other documents pertaining to the duties of his office.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved, March 7, 1885.

ACT OF 1895.

[Laws of the Legislative Assembly of the Territory of Arizona, 1895, p. 115.]

AN ACT Providing for a territorial board of immigration commissioners and prescribing the duties thereof.

Be it enacted by the legislative assembly of the Territory of Arizona,

SECTION 1. There shall be in this Territory a board of immigration commissioners, who shall be appointed by the governor, by and with the consent of the legislative council, who shall hold office for the term of two years, and until the appointment and qualification of their successors. They shall give bonds in the sum of two thousand dollars each to the Territory, with security to be approved by the governor, conditioned on the faithful performance of the duties of the office.

SEC. 2. The number of commissioners shall equal the number of counties in the Territory, one member to be appointed in each county, who shall reside at the county seat of his county.

SEC. 3. It shall be the duty of each said commissioners:

First. To attend at all times to the giving of such information as may be sought by persons who may desire to emigrate to this Territory or to make investments therein.

Second. To open correspondence with immigration bureaus and give such advice and exact data for the guidance of the prospective immigrant as may be most conducive to his welfare and the material advancement of the interest of the Territory.

Third. To direct the emigrant as to the cheapest and most expeditious method of reaching the Territory, and to endeavor to make such advantageous terms with transportation companies in the way of reduced rates as shall materially assist his coming hither.

Fourth. To give reliable and trustworthy information in regard to localities where the settler may desire to choose a home, and to give him every possible assistance after his arrival.

Fifth. To issue from time to time such maps, pamphlets, circulars, reports, etc., on the mining, farming, grazing, timber, and other resources of the Territory as may induce the coming of immigration and the investment of capital, and to distribute in the cities and railroad centers of the Eastern States, Canada, and Europe such documents and in such a manner as will insure them the widest and most useful circulation, and to be at all times prepared to give such

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facts and statistics regarding the Territory as the immigrant, settler, and capitalist may desire.

SEC. 4. It shall be the duty of the board of supervisors of each county in the Territory to set aside at each quarterly meeting, by resolution, in first-class counties, a sum not less than two hundred dollars or more than four hundred dollars; in second-class counties not less than one hundred dollars and not more than two hundred dollars; in third-class counties not less than sixty dollars or more than one hundred and twenty dollars, which shall be expended in the publication and distribution of information for the edification and enlightenment of persons who may be induced to settle in the county or make investments therein, said sum to be expended by the commissioner at his discretion: *Provided*, That all bills for said work performed shall be rendered by him to said board of supervisors and be paid in county warrants upon the expense fund of the county.

SEC. 5. The salary of each commissioner shall be: In first-class counties, fifty dollars per month; in second-class counties, thirty dollars per month; in third-class counties, twenty dollars per month, to be paid out of the expense fund of the county at each quarterly meeting of the board of supervisors, which amount shall be in full for all services rendered as such commissioner.

SEC. 6. A meeting of said commissioners shall be held at least once in a year at the capital of the Territory upon the call of the chairman, who shall give due notice to each commissioner of such meeting at least thirty days prior thereto. Each commissioner shall make a report to the governor, who shall be ex officio chairman of the board, said reports to be published in full in pamphlet form and in such quantities as the board may elect and be distributed in a manner consistent with the best interests of the Territory, and the expense of such publication and its distribution shall be paid by a warrant drawn upon the the territorial treasury.

SEC. 7. The expense of attendance upon the meetings provided for in section 6 of this act shall be borne by the commissioners individually, and no charge for mileage or per diem shall be allowed by any county or the Territory to any commissioner for attendance thereon.

SEC. 8. The governor shall appoint said commissioners immediately after the passage and signing of this act, and they shall enter at once upon the discharge of their duties upon complying with section 1 of this act.

SEC. 9. This act shall be in full force and take effect from and after its passage.

SEC. 10. All acts and parts of acts in conflict with this act are hereby repealed.

A. J. DORAN,
President of the Council.
J. H. CARPENTER,
Speaker of the House.

Approved this 21st day of March, 1895.

LOUIS C. HUGHES, *Governor.*

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ACT OF 1899.

[Laws of the Legislative Assembly of the Territory of Arizona, 1899, p. 6.]

AN ACT To abolish the Territorial board of immigration commissioners.

Be it enacted by the legislative assembly of the Territory of Arizona,

SECTION 1. That Act No. 70 of the acts of the eighteenth legislative assembly, the same being an act entitled an act to create a territorial board of immigration commissioners, be, and the same is hereby, repealed.

SEC. 2. This act shall be in force and take effect from and after its passage.

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved, January 24, 1899.

ACT OF 1901.

[Revised Statutes, 1901, No. 45, Appendix A.]

AN ACT Giving to boards of supervisors of the counties of the first class in the Territory of Arizona the right to appoint an officer to be known as the county commissioner of immigration.

Be it enacted by the legislative assembly of the Territory of Arizona,

79. (SEC. 1.) The boards of supervisors of the counties of the first class, with an assessed valuation of eight million dollars and over in the Territory of Arizona, are each of them hereby authorized and empowered to appoint a suitable person in their respective counties to act as the county commissioner of immigration, and each and every of said commissioners shall hold office for the term of two years from and after his appointment, and until the appointment and qualification of his successor.

80. (SEC. 2.) It shall be the duty of each and every of said commissioners for and on behalf of the county for and in which he may be appointed:

First. To attend at all times to the giving of such information as may be sought by persons who may desire to immigrate to the said county or to make investment therein.

Second. To open correspondence with immigration bureaus and give such advice and exact data for the guidance of the prospective immigrant as may be most conducive to his welfare and the material interests of the said county.

Third. To direct the immigrant as to the cheapest and most expeditious method of reaching the said county, and to endeavor to make such advantageous terms with transportation companies in the way of reduced rates as shall materially assist his coming to the said county.

Fourth. To give reliable and trustworthy information in regard to localities in the said county where the settler may desire to choose a home, and to give him every possible assistance after his arrival.

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Fifth. To issue from time to time such maps, pamphlets, reports, etc., on the mining, farming, grazing, timber, and other resources of the said county as may induce immigration and the investment of capital, and to distribute in the cities and railroad centers of the Eastern States, Canada, and Europe such documents and in such manner as will insure them the widest and most useful circulation, and to be at all times prepared to give such facts and statistics regarding such county as the immigrant settler or capitalist may desire.

81. (SEC. 3.) Said board of supervisors of such counties of the first class and in each of said boards are authorized and empowered to pay said county commissioner of immigration a salary not to exceed the sum of six hundred dollars per annum. Said board of supervisors of such counties of the first class and each of them are further authorized and empowered to spend the further sum of two thousand five hundred dollars per annum in the furtherance of the purposes of this act.

82. (SEC. 4.) All acts and parts of acts in conflict with this act are hereby repealed.

83. (SEC. 5.) This act shall take effect and be in force from and after its passage.

Approved, March 16, 1901.

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ARKANSAS.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1868 (creating commissioner of immigration and state lands).—In 1868 the general assembly of Arkansas, responsive to the needs of the people resulting from changed labor conditions, created the office of commissioner of immigration and state lands.

The commissioner shall be appointed by the governor by and with the advice and consent of the senate.

The commissioner shall open an office and collect and arrange agricultural, manufacturing, and mineral statistics and publish in English and other languages. He shall furnish applicants with copies of pamphlets, circulars, maps, and other data. The commissioner may visit immigration societies and chief cities of the United States; with the approval of the governor, he may visit foreign countries at the expense of the State. He shall have power to do whatever is necessary and incidental to the efficient administration of his office.

The commissioner shall be custodian of all data relating to the state's lands and shall have control of all affairs connected with its conservation, administration, and alienation.

Act of 1868 (relative to bureaus of immigration).—The legislature in 1868 enacted a law providing for the incorporation of bureaus of immigration. Any number of persons may associate to promote immigration, with the usual corporate powers.

Persons associating under this act shall file their intention to form a bureau to promote immigration, with a copy of the constitution and by-laws. The object of the institution shall be to induce and protect immigrants. The by-laws shall be in accordance with the objects of the bureau and with the general public laws. Officers shall be selected in the usual manner and serve the term prescribed. The board of directors shall report at annual meetings the financial condition of the association. They shall receive donations, fix the rate of subscriptions of members, and appoint agents, subject to removal. The manner of becoming members and specific duties of officers shall be prescribed by the by-laws. The company shall report to the commissioner of immigration relative to its condition and achievements.

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IMMIGRATION AND ALIEN LAWS.

ACTS OF 1868.

I.

[Acts of the General Assembly of Arkansas, No. XX, 1868, p. 61.]

AN ACT To provide for the appointment of a commissioner of immigration and State lands, and defining the duties of that officer.

SECTION 1. *Be it enacted by the general assembly of the State of Arkansas*, That the governor shall appoint, by and with the advice and consent of the senate, some suitable person as commissioner of immigration and state lands, who shall hold his office for the term of four years and until his successor shall be duly commissioned and qualified, and who shall keep his office as such commissioner at the seat of government of this State, and perform such duties as are hereinafter provided, or as shall hereafter be provided by law.

SEC. 2. *Be it further enacted*, That it shall be the duty of the commissioner of immigration and state lands, immediately after he has qualified as such, to open an office as provided in the first section of this act, and proceed to collect and methodically arrange all the statistics available in relation to the agricultural, manufacturing, and mineral resources of this State which in his opinion would be of useful information to persons who may wish to immigrate from any part of the United States or Europe to this State, and to have such statistics published in pamphlet or circular form, or both, in the English, German, or such languages as may be necessary to make them useful in the countries from which immigration usually comes to the United States, and such a number of such pamphlets or circulars, or both, as in his opinion will be necessary to give reasonable information to those of other countries who may wish to emigrate by the inducements offered by this State to emigrants, to be used by such commissioner for distribution as he may think most advantageous to secure a flow of immigration to this State.

SEC. 3. *Be it further enacted*, That said commissioner shall furnish to all persons applying therefor at his office copies of such pamphlets or circualrs, and township plats or maps of any township in this State showing the lands belonging to the State, its class, etc., also showing what lands, if any, in such township are subject to location under the homestead laws of the United States, and such other information as he may be in possession of as will facilitate such persons in selecting a location in this State.

SEC. 4. *Be it further enacted*, That if said commissioner shall at any time deem it necessary in order to induce immigration into this State he may visit and make arrangements with emigration societies in the most principal cities of the United States for that purpose; and, with the approval of the governor, he may visit such foreign States or countries as the governor may direct, and when discharging the duties provided for in this section said commissioner shall be allowed his actual travelling expenses, which expenses, when presented to the auditor of public accounts, accompanied by the official certificate of such commissioner that such account is correct and just,

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and the items charged therein were actual and necessary travelling expenses incurred in performing the duties therein specified, the auditor shall audit and allow such account and draw his warrant on the treasurer for the amount thereof: *Provided*, That such commissioner shall not be allowed or receive any additional or greater salary or compensation for such services than the annual salary of his office hereinafter provided for.

SEC. 5. *Be it further enacted*, That the landed interest of this State shall hereafter be controlled by the commissioner of immigration and state lands, and managed as hereinafter provided.

* * * * * * *

SEC. 20. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed; and that this act take effect and be in force from and after its passage.

Approved, July 15, 1868.

II.

[Acts of the General Assembly of Arkansas, No. 39, 1868, p. 124.]

AN ACT To provide for the creation and regulation of bureaus of immigration.

Be it enacted by the general assembly of the State of Arkansas:

SECTION 1. That any number of persons may associate themselves and become incorporated for the purpose of aiding, to encourage, procure, and protect in and within the State of Arkansas, with power to make, hold, and use a common seal, also to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered in all courts of competent jurisdiction, and shall have all other powers and privileges necessary to fulfill the objects of their incorporation.

SEC. 2. Such persons forming an association under this act shall file in the office of the secretary of state, and also in the recorder's office of such county where such association may be formed, a certificate in writing, signed by the board of directors of such association, expressing their intention to create and form such bureau of immigration, which certificate shall also comprise a copy of their constitution and by-laws adopted by them.

SEC. 3. The object of such institution shall be to provide for the encouragement of immigration to the State of Arkansas, and to aid and protect immigrants on their arrival in and their passage through this State.

SEC. 4. Such association shall make by-laws in accordance with their objects: *Provided*, That such by-laws be not in contravention of the laws of this State or the laws and Constitution of the United States.

SEC. 5. At the annual meeting of such association there shall be chosen a board of directors and such number of officers as their by-laws may provide, which officers and directors shall hold their respective offices for one year and until the regular annual meetings of the association, when their successors shall be chosen. The association shall, at their first annual meeting, fix the time for holding their subsequent annual meeting.

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SEC. 6. It shall be the duty of the board of directors to present to the association at every annual meeting, or at any time, the by-laws that such institution may provide, a full report of their proceedings, and give a faithful exhibit of the state of their institution with regard to their financial and other interests.

SEC. 7. The directors shall have power, and it shall be their duty, to receive funds and donations of whatever source; they shall also have power, and it shall be their duty, to fix the rate of subscriptions of members, to appoint and employ all officers and agents requisite to promote the object of such institution, and to remove any and all of them, as the interests of such institution may require.

SEC. 8. The directors shall be authorized to expend such amount of the funds under their control as they may deem expedient, for the printing and distribution of pamphlets or other papers, for the instruction of immigrants, and for the aid and assistance of immigrants whenever they may deem proper.

SEC. 9. The specific duties of the directors, officers, and members of such associations, and also the mode how persons may become members of them, shall be prescribed by their by-laws.

SEC. 10. That it shall be the duty of each company organized under this act to report to the commissioner of immigration as soon as said company is formed the names and numbers of said officers elected, and forward therewith a copy of their by-laws. They shall also make a quarterly return to him of the exact standing and condition of their respective associations.

SEC. 11. That this act take effect and be in force from and after its passage.

Approved, July 18, 1868.

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CALIFORNIA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1852 (act concerning passengers arriving in the ports of the State of California).—The act of 1852 was passed to regulate the landing and admission of aliens. It requires officers of all vessels to report data about every alien person or passenger landed at a California port. A penalty of fine of $250 shall be levied for neglecting or falsifying reports. An indemnity bond of $500 to $1,000 for each alien passenger shall be required to protect the State against expense incurred for charitable aid within two years. The governor shall appoint a commissioner of emigrants for San Francisco.

Act of 1852 (an act to provide for the protection of foreigners, and for other purposes).—The act of 1852 was intended to provide protection to foreigners and to define their privileges and liabilities. The provisions had specific reference to mining.

Act of 1853 (an act to amend an act entitled "An act concerning passengers arriving in the ports of the State of California").—The former acts relating to the landing and admission of passengers is amended to provide for more effective administration.

Act of 1855 (an act to discourage the immigration to this State of persons who can not become citizens).—By the act of 1855 a tax of $50 is levied upon each person who is incompetent by the laws and constitution of California or the United States to become citizens.

Act of 1856 (an act relative to escheated estates).—The act of 1856 empowers aliens to inherit and hold property. When not claimed it may be sold. The proceeds may be paid to the heirs within five years after sale, but if unclaimed after that time escheats to the State.

Act of 1858 (an act to prevent the further immigration of Chinese or Mongolians to this State).—By the act of 1858 Chinese and other persons of the Mongolian race are prohibited from entering the State. All persons violating the law or in any way connected with its violation are subject to a penalty.

Act of 1860 (an act to amend an act entitled "An act concerning passengers arriving in the ports of this State").—The governor shall appoint a superintendent of immigration to be located at San Francisco to supervise landing, admission, and exclusion of aliens.

Act of 1863 (an act to amend an act entitled "An act concerning passengers arriving in the ports of this State").—The governor shall appoint a commissioner of immigration to reside at San Francisco and represent the State in immigration affairs.

Act of 1869–70 (an act to prevent the kidnaping and importation of Mongolian, Chinese, and Japanese for criminal or demoralizing purposes).—The statute of 1869–70 was enacted to prevent the importation of "Mongolian, Chinese, or Japanese" females for purposes of prostitution.

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Act of 1870 (an act to prevent the importation of Chinese criminals and to prevent the establishment of coolie slavery).—The act of 1870 was passed because criminals and malefactors were being constantly imported from Chinese seaports, because their depredations upon property entailed a burdensome expense upon the administration of criminal justice, and because a species of slavery was established by the importation of such persons to the degradation of the laborer and to the violation of the spirit of the age.

Resolution of 1871–72.—Resolution to obtain from Congress the adoption of such treaty regulations and legislation as shall discourage Chinese immigration.

Resolution of 1873–74.—The resolution of 1873–74 was adopted as a memorial to Congress to exclude Chinese laborers from this country in order to protect domestic labor and sustain its standards.

Resolution of 1873–74.—The resolution of 1873–74 memorialized Congress to pass legislation to prevent the importation of coolie labor under contract for service.

Act of 1877–78 (an act to ascertain and express the will of the people of the State upon the subject of Chinese immigration).—The act of 1877–78 provided for a general election to submit to the people the question of admitting or excluding Chinese.

Act of 1880 (an act to promote emigration from the State of California).—The act of 1880 provided means for facilitating the emigration of aliens to other States and foreign countries.

Act of 1880.—An act to provide for the removal of Chinese whose presence is dangerous to the well-being of communities outside the limits of cities and towns of the State.

Act of 1880 (an act to prohibit the issuance of licenses to aliens not eligible to become electors of the State).—Licenses to transact any business or pursue any occupation shall not be granted to aliens not eligible to become electors.

Act of 1880 (an act relating to fishing in the waters of this State).—Aliens incapable of becoming electors in the State are prohibited from fishing in the waters of the State.

Resolution of 1883.—A resolution was adopted in 1883 recommending that Congress remedy the abuse of the privilege accorded Chinese for stopping in transit.

Act of 1883 (an act to amend the political code).—An act was passed in 1883 to add a new section to the political code relating to auditing the accounts of the immigration commissioner, and for the purpose of preventing frauds in the same.

Resolution of 1884.—A resolution was passed in 1884 urging Congress to further restrict Chinese immigration.

Resolution of 1889.—A resolution was adopted in 1889 as a memorial to Congress to make the Chinese-restriction act more effective.

Act of 1891 (an act to prohibit Chinese immigration).—An act was passed in 1891 to prohibit the coming of Chinese persons into the State whether subjects of the Chinese Empire or otherwise, and to provide for registration and certification of residence and determine the status of all Chinese persons now resident in the State and fixing penalties and punishments for violation of the act and providing for deportation of criminals.

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Act of 1893 (an act to prevent compulsory prostitution).—An act was passed in 1893 to prevent the compulsory prostitution of women and the importation of Chinese or Japanese women for immoral purposes, and to provide penalties for violations.

Resolution of 1893 (resolution relative to foreign immigration to the United States).—The resolution of 1893 memorialized Congress to enact legislation to prohibit undesirable immigration.

Act of 1901 (an act amending the Criminal Code).—By this act the code was amended with reference to penalizing the bringing or landing of Chinese or Japanese women in the State for purposes of sale.

Act of 1901 (an act to encourage desirable immigration).—An act was passed in 1901 empowering boards of supervisors of the counties to levy a special tax for the purpose of displaying the products and industries of any county in the State at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State.

Resolution of 1901.—A resolution was adopted in 1901 urging the restriction by Congress of Chinese and Japanese immigration.

IMMIGRATION AND ALIEN LAWS.

ACTS OF 1852.

I.

[California Statutes, 1852, ch. 36, p. 78.]

AN ACT Concerning passengers arriving in the ports of the State of California.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Within twenty-four hours after the landing of any passenger from any vessel arriving at any of the ports of this State, from any of the United States other than this State, or from any country out of the United States, the master or commander of the vessel from which such passenger or passengers shall have been landed shall make a report in writing, on oath or affirmation, to the mayor or chief municipal officer at such port (or in case of his absence or inability to serve, to the person discharging the duties of his office), which report shall state the name, place of birth, last legal residence, age and occupation of every person or passenger who shall have landed from such vessel in her last voyage to such port not being a citizen of the United States and who shall have within the last preceding twelve months arrived from any country out of the United States at any place within the United States, and who shall not have been bonded or who have paid the commutation money according to the provisions of this act or any former act. The said report shall contain a like statement of all such persons or passengers as shall have landed or been suffered to land from any such vessel at any place during her said last voyage, or who shall have gone on board of any vessel with the intention of coming into this State. The said report shall further specify if either or any of said passengers or

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persons so reported are lunatic, idiot, deaf, dumb, blind, crippled, or infirm and, if so, whether they are accompanied by any relatives likely to be able to support them. It shall also specify, particularly, the names, last place of residence, and ages of all passengers who may have died during the said last voyage of such vessel, also the names and residence of the owner or owners of such vessel. It shall also specify whether any of said passengers are persons convicted of any infamous crime or of a felony, so far as the same may be within the knowledge of said master or commander. In case any such master or commander shall omit or neglect to report as aforesaid any such person or passengers, with the particulars aforesaid, or shall make any false report or statement in respect to any person or passengers, or in respect to the owner or owners of any such vessel, or in respect to all or any of the particulars hereinbefore specified, such master or commander shall forfeit the sum of two hundred and fifty dollars for every such passenger, in regard to whom any such omission or neglect shall have occurred, or any such false report or statement shall be made, and also for every neglect, omission, or false report made by him as to the owner or owners of such vessel. For the payment of such penalty so incurred the owner or owners, consignee or consignees, of every such vessel shall be liable jointly and severally.

SEC. 2. It shall be the duty of the mayor, as aforesaid, by an endorsement to be made on said report, to require the owner or consignee of the vessel, from which such passengers or persons have been landed, to give a joint and several bond to the people of the State of California, in a penalty of five hundred dollars, for each and every person or passenger included in such report, conditioned to indemnify and save harmless, each and every county, town or city, in this State, and also the trustees of the several state hospitals, against all costs and expenses which may be by them or any of them, necessarily incurred for the relief, support, or medical care of the persons named in the bond, within two years from the date of such bond. Each and every bond shall be secured by two or more sufficient sureties, residents of the State, each of whom shall prove, by oath or otherwise endorsed in writing, on such bond, that he is a free holder and resident of the State, and is worth the sum of one thousand dollars in real estate, over and above all his debts and responsibilities, and any responsibilities actual or contingent, which may accrue from or under any former bond, given under the provisions of this act. Such bond may, at the option of the party, be secured by the mortgage of real estate, or by the pledge and transfer of the stock of the United States, or of the funded debt, or comptroller's warrants of this State in any amount sufficient to secure said bond. Such bonds and securities, in all cases, to be approved by the mayor, in writing endorsed upon the bond, or securities, after sufficient inquiry, on his part, into the same.

SEC. 3. Within three days after the landing of such persons or passengers, from any vessel in any of the ports of this State, it shall be lawful for the master or commander, owner or consignee of said vessel, to commute for the bond or bonds required by section two, of this act, by paying to the mayor a sum of money not less than five dollars, nor more than ten dollars, for each and every passenger reported, as in section one of this act required. Upon the payment of

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such commutation money, and the filing with the comptroller of state, of the receipt of said mayor therefor, by the party paying the same, as in the next section: *Provided*, Such party shall be discharged from the requirements of giving bonds as aforesaid.

SEC. 4. It shall be the duty of the mayor, receiving such commutation money, or any moneys received from fines or forfeitures under this act, to account for and pay the same on the first Tuesday of every month, to the treasurer of state, in the same manner in which county treasurers are by law required to account; and he shall annex to his account an affidavit of its correctness. The mayor shall specify, in his account, the names of the parties paying such sum or sums of money, the amount paid by each, the date of such payment and the name of the vessel and the number of passengers on account of whom it was paid. The mayor shall furnish to the parties, paying such commutation money, receipts in duplicate, specifying the amount paid, and the name of the vessel or vessels, and the number of passengers on account of whom it was paid. The party paying such commutation money, shall file with the comptroller of state his duplicate receipt, and shall thereupon be discharged from the requirement of giving bonds as aforesaid. It shall be the duty of the comptroller of state, to file such duplicate receipts in his office, and to compare the same with the accounts of the several mayors, when rendered monthly.

SEC. 5. Whenever, in the opinion of such mayor, there be among the passengers or persons in any vessel, any lunatic, idiot, deaf, dumb, blind, cripple, or infirm person, not members of families, or who, from attending circumstances, are likely to become permanently a public charge, or who have been paupers in any other country, or who from sickness or disease existing either at the time of departure from the port of departure, or at the time of their arrival in any part of this State, are a public charge, or likely soon to become so, it shall be the duty of such mayor to require in the endorsement, made according to section 2 of this act, or in any subsequent endorsement or endorsements, in addition to the bond provided for in section 2, that the owner or consignee of such vessel shall execute for every such passenger or person a further bond, joint and several, to the people of this State, in the sum of one thousand dollars. Such bond shall be conditioned and secured in the same manner as the bond in section 2: *Provided*, The subsequent endorsement, in this section mentioned, may be made at any time within twenty days after the landing of any such persons or passengers. The sureties on the bond in this section provided shall justify in double the penalty of such bond in the manner provided for the sureties to the bond mentioned in section 2 of this act.

SEC. 6. If any person for whom a bond shall have been given under this act shall, within the time specified in such bond, become chargeable upon any city, town, or county of this State, or upon the trustees of any state hospital, an action may be brought upon such bond in the name of the people of this State by the treasurer of the county, or the trustees of said state hospital, as the case may be. The plaintiff in said action shall be entitled to recovery upon such bonds, from time to time, so much money, not in the whole exceeding the penalty of such bond, exclusive of costs, as shall be

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sufficient to defray the expenses incurred by any such city, town, or county, or the said trustees of any state hospital for the maintenance and support of the person for which said bond may have been given as aforesaid. The amount of such recovery may be collected from the sale of the real or other security mortgaged, pledged, or deposited therefor, in conformity with this act.

SEC. 7. If any owner or consignee, as aforesaid, shall neglect or refuse to give the bond or bonds, with security therefor as in this act required, for each person or passenger landing from his vessel, within three days after the landing of such person or passenger, in respect to bonds required by section 2 of this act, or shall not within that time have paid the money authorized by section 3, to be received in cases where such bonds are commuted for, every such owner or consignee of such vessel, severally and respectively, shall be subject to a penalty of one thousand dollars for each and every person or passenger on whose account such bond may have been required or for whom such commutation money might have been paid under this act. A penalty of two thousand dollars shall be incurred by every such owner or consignee, severally and respectively, for every neglect or refusal to give the bond or bonds, in section 5 of this act, required for each person or passenger landing from a vessel for whom such bond or bonds shall be required by the mayor, by his endorsement, as in said section 5 provided, within three days after the making of such endorsement. Such penalty of two thousand dollars to be for each and every passenger on whose account such bond may have been required.

SEC. 8. All moneys paid into the state treasury under this act shall be and hereby are set apart and appropriated as a hospital fund for the support and maintenance of the state hospitals now existing, or which may be hereafter created by law. Said fund shall in all instances be first chargeable with the expenses and maintenance of the said state hospital and shall be paid out upon the warrants of the comptroller of state, to be issued monthly in favor of the treasurer of each of said hospitals. Said fund shall be apportioned as follows, between the several state hospitals, viz: Three-fifths to the State Marine Hospital at San Francisco, one-fifth to the Sacramento State Hospital, and one-fifth to the Stockton State Hospital. If said fund shall not furnish a revenue sufficient to defray the expenses and maintenance of said hospitals, then, and not otherwise, the other appropriations now made by law shall be applied to defray the deficiency, and the surplus, if any remaining from such appropriations, shall be at the end of every six months of the fiscal year turned over to the credit of the general fund.

SEC. 9. For all fines and penalties imposed by this act upon any master or commander, owner, or consignee, for any omission, neglect, or refusal to perform any act or duty required by this act, such vessel shall also be liable; and the amount of such fines and penalties shall be a lien on such ship, steamer, or vessel, prior to all other liens, except those for seamen's wages, bottomry bonds, and respondentia. In the ports of this State, where state hospitals are now or may hereafter be established by law, such penalties and fines may be sued for and recovered in a civil action with costs of suit, by and in the name of the trustees of said state hospitals, respectively; and in the city

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of San Francisco by the trustees of the State Marine Hospital in any court having cognizance thereof; and when recovered shall be applied to the support of such hospital by such trustees, respectively; in all other ports such suits may be brought by and in the name of the mayor of such port. It shall be lawful for the said trustees of the said hospitals, respectively, to compound or commute for any of the said penalties or forfeitures upon such terms as they shall think proper. They may also commute and compound with the owner or consignee of any ship, steamer, or vessel for any such bond or bonds as are required in section 5 of this act, to be given by such owner or consignee for such person or persons, passenger or passengers, as have been paupers in any other country, or who from their condition, at the time of their arrival in any part of this State, or from sickness or disease at the time of their leaving the port of departure are a public charge, or are likely soon to become so; such commutation to be fixed by such trustees at such sum as they shall deem just and equitable, and sufficient to defray the necessary expenses consequent upon the care, support, and maintenance of the persons for whom such commutation shall be made during the existence and continuance of their then sick, disabled, or infirm state.

SEC. 10. In all cases of justification of sureties required under this act the sureties shall justify before the mayor, required to approve the bond. The mayor is hereby authorized to administer the oath or affirmation required upon such justification, for which he shall be allowed the same fees allowed by law to a notary public for the same service. Every master or commander of any vessel shall at the time of making his report, as in section 1 provided, make oath or affirmation before the mayor to whom such report is made, who is hereby authorized to administer such oath or affirmation and to receive therefor the same fee as in case of justification of sureties.

SEC. 11. The word "vessel," whenever used in this act, shall be held to include ships, steamers, barques, brigs, schooners, sloops, boats, and all other descriptions of water craft. The word "mayor," whenever used in this act, shall be held to include every mayor of a city, or officer, or board discharging the duties of mayor or chief municipal officer.

SEC. 12. For the city of San Francisco there shall be appointed by the governor of the State, by and with the advice and consent of the senate, a commissioner of emigrants, who shall in that city discharge the duties required by this act to be discharged by the mayor of a city, and who shall have all the powers and authority for that purpose conferred by this act upon mayors of cities. He shall hold his office for two years, and before entering upon his duties he shall file in the office of secretary of state a bond, with two or more sureties, in the sum of twenty-five thousand dollars, to be approved by the governor, for the faithful performance of his duties. He shall receive a commission of five per cent on all moneys collected by him and paid into the state treasury under this act; he shall approve all bonds, and administer all oaths or affirmations required in the discharge of his duties, as in section 10 of this act provided. Whenever, in the city of San Francisco, it shall appear to said commissioner, or in any other port of this State to the mayor thereof, that the master or commander of any vessel has not made a full and correct report,

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as in section 1 of this act provided, such commissioner or mayor shall have a right to enquire into the same, and for that purpose may compel the attendance of witnesses before him in the same manner by subpœna and attachment as is provided for compelling the attendance of witnesses before district courts in civil cases. The depositions taken in writing before said mayor or commissioner may be read in evidence on the trial of any suit commenced for any penalty or forfeiture, or for any sum due on any bond according to the provisions of this act, with the like effect as if regularly taken in such suit, subject to all legal exceptions thereto.

SEC. 13. The consuls, ministers, agents, or public functionaries of any foreign government arriving within this State in their official capacity are exempted from the provisions of this act.

SEC. 14. Sections 1, 2, and 3 of an act entitled "An act to provide a revenue for the State Marine Hospital at San Francisco," passed 26th of March, 1851, and "An act amendatory of 'An act providing for the creation of a marine hospital for the State of California,'" passed 7th of February, 1851, are hereby repealed.

SEC. 15. The governor may at any time, for cause shown, remove said commissioner of emigrants and fill the vacancy by an appointment pro tempore during the recess of the senate until the next session of the senate.

SEC. 16. This act shall take effect from and after its passage.

Approved, May 3, 1852.

II.

[California Statutes, 1852, c. 37, p. 84.]

AN ACT To provide for the protection of foreigners and to define their liabilities and privileges.

Whereas great prejudices exist in the mining districts in relation to the propriety of foreigners being permitted to work placer and quartz diggings, inasmuch as they are not liable to the same duties as American citizens, whilst they enjoy the same privileges; and whereas these contests produce great expenditure by the State in the maintenance of order; and whereas, in consideration of the protection and privileges extended and secured to them by the Constitution and laws of our country: Therefore,

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That from and after the 1st day of June next, and until the Congress of the United States shall by law assume control of the mining lands of California, no person not being a citizen of the United States (California Indians excepted) shall be allowed to take gold from any of the mines of this State unless he shall have a license therefor, as hereinafter provided.

SEC. 2. It shall be the duty of the comptroller of State to procure a sufficient number of blank licenses, which shall be substantially in the following form, and numbered consecutively, and a record thereof be filed in his office. He shall deliver the said licenses to the treasurer of State and take his receipt for the same upon the books of his office:

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Form of license.

[To be renewed upon expiration of term.]

No. ———.

——— County (date), 185–.

——— ——— has paid three dollars mining license, which entitles him to labor in the mines one month.

[To be renewed upon expiration of term.]

No. ———.

——— County (date).

This certifies that ——— ——— has this day paid the sheriff of ——— County three dollars, which entitles him to labor in any mines within this State for one month from date.

——— ———, *Comptroller of State.*

By ——— ———, *Sheriff.*

SEC. 3. The sheriff of each county shall be the collector of license tax under the provisions of this act, who, before entering upon the duties herein provided for, shall enter into bond to the State, with two or more surties, to be approved by the board of supervisors, if any such board exist in his county; if there be no such board, then by the county judge, in the sum of fifteen thousand dollars, conditioned for the faithful performance of the duties required of him by this act, which bond shall be filed in the office of the clerk of said county; and the said collector shall receive for his services in collecting said license tax ten per cent on all sums collected.

SEC. 4. The treasurer of state shall fill the blanks for the numbers and counties which have been left in the printed form, and shall be liable on his bond for all licenses delivered to him by the comptroller, except for such as he may have issued to the recorders of counties, under the provisions of the following section.

SEC. 5. The treasurer of state shall issue as soon as practicable to the recorder of each county, and thereafter, previous to the 15th of December of each year, such number of licenses as may be deemed sufficient for the use of said county, taking separate receipts for each class of licenses issued, which receipts shall be recorded by the treasurer in a book to be provided for that purpose, and shall stand as a charge against said recorder, and said recorder shall execute a bond to the State, conditioned for a faithful performance of all duties required of him by this act, in the sum of five thousand dollars; said bond to be approved by the governor and comptroller.

SEC. 6. The amount to be paid for each license shall be at the rate of three dollars per month, and said license shall in no case be transferable.

SEC. 7. The recorder shall deliver to the sheriff of his county such number of licenses as said sheriff may require, charging him therewith and taking his receipt therefor. The sheriff shall make monthly returns to the board of supervisors, if any such board exist in his county; if there be no such board, then to the county judge, of the number of licenses issued, and to whom; the amount of money received, and accompanying which returns shall be a list of the names of those to whom licenses have been issued by him, with the age of each, and the county from which he has migrated. The first returns

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shall be made on the first Monday in June, next, and thereafter a return shall be made on the first Monday of each succeeding month, as herein specified.

SEC. 8. The sheriff shall have power to appoint a sufficient number of deputies to assist him in the performance of his duties, who shall be paid by the sheriff out of the percentage provided for in this act. The said sheriff to be responsible for the acts of his deputies, and may require from them such bond and surety as he may deem proper for his own indemnification.

SEC. 9. Fifty per cent of all moneys collected under the provisions of this act shall be paid into the state treasury, and constitute a part of the general fund; the balance, less the percentage allowed for collecting, shall be paid into the general fund of the county; and it shall be the duty of the sheriff to pay over to the county treasurer, monthly, all moneys collected under the provisions of this act.

SEC. 10. No foreign miner, who shall not have a license under the provisions of this act, shall be ellowed either to prosecute or defend any action in any of the courts of this State.

SEC. 11. Immediately preceding the time provided by law for the final settlement of the county treasurers with the treasurer of state it shall be the duty of each recorder to whom licenses have been issued to report to the comptroller of state the number of licenses on hand in his office, as also the number in the hands of the sheriff, who is hereby required to report to said recorder the number of licenses not disposed of, for which he has receipted to the said recorder.

SEC. 12. The treasurer and comptroller of state shall, as soon as practicable, compare the returns of the sheriffs with the reports of the county recorders; and if there shall be any discrepancy in the statements it shall be the duty of the comptroller to immediately inform the prosecuting attorney of the county in which such delinquent resides, who shall commence suit against such delinquent and his sureties forthwith.

SEC. 13. Any sheriff or his deputy who shall neglect or refuse to pay over the money collected by him or them under the provisions of this act, or shall appropriate any part thereof to his or their use other than the percentage they are entitled to retain by the provisions of this act, shall be deemed guilty of embezzlement, and upon conviction thereof shall be punished by imprisonment in the state prison any time not less than one year nor more than ten years.

SEC. 14. Any officer charged with the collection of the tax provided to be collected by this act, who shall give any receipt other than the receipt prescribed in this act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding one thousand dollars, and be imprisoned in the county jail any time not exceeding six months.

SEC. 15. It shall be the duty of the different sheriffs to return all unsold licenses to the county recorders prior to the 15th day of December of each year and receive new licenses, and the county recorders shall immediately transmit to the comptroller of state said licenses, who shall deliver them to the treasurer of state; said licenses so returned shall be placed to the credit of the different county recorders on the books of the treasurer, and the licenses destroyed in presence of the comptroller of state, who shall also make a record of the same.

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SEC. 16. Any person who shall make any alteration or cause the same to be made in any license shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollars and imprisonment in the county jail not exceeding six months.

SEC. 17. Any person or company hiring foreigners to work in the mines of this State shall be liable for the amount of the licenses for each person so employed as provided in this act.

SEC. 18. These licenses shall be printed in English, Spanish, and French.

SEC. 19. This act shall take effect from and after the 1st day of June, 1852.

Approved, May 4, 1852.

ACT OF 1853.

[California State Laws, 1853, ch. 51, p. 71.]

AN ACT To amend an act entitled "An act concerning passengers arriving in the ports of the State of California."

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of an act entitled "An act concerning passengers arriving in the ports of the State of California," passed May 3, 1852, is hereby amended so as to read as follows:

SECTION 1. It shall be the duty of the master or commander of any vessel arriving at the port of San Francisco, from any port out of the State of California, to appear at the office of the commissioner of emigrants within twenty-four hours after his arrival and testify as to his having brought any passengers. Within twenty-four hours after the landing of any passengers from any vessel arriving at any of the ports of this State, or from any of the United States, other than this State, or from any country out of the United States, the master or commander of the vessel from which such passenger or passengers shall have been landed shall make a report in writing, on oath or affirmation, to the commissioner of emigrants at San Francisco, and in other ports of the State to the mayor or chief municipal officer, which report shall state the name, place of birth, time and place of naturalization, last residence, age, and occupation of every person or passenger who shall have landed from such vessel in her last voyage to such port, not being a citizen of the United States, and who shall have, within the last preceding twelve months, arrived from any country out of the United States, at any place within the United States, and who shall not have been bonded, or who have paid the commutation money, according to the provisions of this act or any former act. The said report shall contain a like statement of all such persons or passengers as shall have been landed or been suffered to land from any such vessel at any place during her said last voyage, or who shall have gone on board of any vessel with the intention of coming into this State. The said report shall further specify if either or any of said passengers or persons so reported are lunatic, idiot, deaf, dumb, crippled, or infirm; and if so, whether they are accompanied by any relatives likely to be able to support them. It shall also state particularly the names, last place of residence, and ages of all passengers who may have died during the said last voyage of such vessel, also the names and residence of the owner or owners of such vessel. It shall also specify whether any of said passengers are persons convicted of any infamous crime, or of a felony, so far as the same may be within the knowledge of said master or commander. Such master or commander is further required to administer to any passenger of foreign birth who shall declare himself a citizen of the United States the following oath or affirmation as to the time and place of his naturalization, and the name of each party so sworn shall be stated in the passenger list of said vessel:

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[Form.]

I, ——— ———, do solemnly swear (or affirm) that I was born in ———; that I am a naturalized citizen of the United States; that I was naturalized and received my certificate of naturalization in the State of ———, in the year ———.

In case any such master or commander shall omit or neglect to report, as aforesaid, any such person or passenger, with the particulars aforesaid, or shall make any false report or statement in respect to any persons or passengers, or in respect to the owner or owners of any such vessel, or in respect to all or any of the particulars hereinbefore specified, such master or commander shall forfeit the sum of two hundred dollars for every such passenger in regard to whom any such omission or neglect shall have occurred, or such false report or statement shall be made, and also for every neglect, omission or false report made by him, as to the owner or owners of such vessel. If any master or commander shall neglect or refuse to make report to said commissioner, as provided for in this act, within the time therein specified, such master or commander shall be held guilty of a misdemeanor, and upon complaint before the recorder of San Francisco, or any justice of the peace of said county, be fined not less than fifty dollars nor more than two hundred dollars for every such neglect. For the payment of the fines and penalties incurred in this act, the master or commander, consignee or consignees, owner or owners of every such vessel shall be liable, jointly and severally.

SEC. 2. Section 12 of said act is hereby amended to read as follows:

For the port of San Francisco there shall be appointed by the governor of the State, by and with the advice and consent of the senate, a commissioner of emigrants, who shall, in that city, discharge all the duties required by this act. He shall hold his office for two years; and before entering upon his duties he shall file in the office of the secretary of state a bond, with two or more sureties, in the sum of twenty-five thousand dollars, to be approved by the governor, for the faithful performance of his duties. He shall receive a commission of ten per cent on all moneys collected by him and paid into the state treasury under this act. He shall approve all bonds and administer all oaths or affirmations required in the discharge of his duties, as in section 10 of this act: *Provided*, Whenever in the city of San Francisco it shall appear to said commissioner, or in any other port of this State, to the mayor thereof, that the master or commander of any vessel has not made a full and correct report, as in section 1 of this act: *Provided*, Such commissioner or mayor shall have a right to inquire into the same, and for that purpose may compel the attendance of witnesses before him in the same manner, by subpœna and attachment, as is provided for compelling the attendance of witnesses before district courts in civil cases. The depositions taken in writing before said mayor or commissioner may be read in evidence on the trial of any suit commenced for any penalty or forfeiture or for any sum due on any bond, according to the provisions of this act, with the like effect as if regularly taken in such suit, subject to all legal exceptions thereto.

SEC. 3. Section 9 of said act is hereby amended to read as follows:

SEC. 9. For all fines and penalties imposed by this act upon any master or commander, owner or consignee, for any omission, neglect, or refusal to perform any act or duty required by this act, such vessel shall also be liable and the amount of such fines or penalties shall be a lien on such ship, steamer, or vessel, prior to all other liens, except those for seamen's wages, bottomry bonds, and respondentia. Such penalties and fines may be sued for and recovered in a civil action, with costs of suit, by the commissioner of emigrants or his authorized attorney, in the name of the State of California, in any court having cognizance thereof, and when recovered shall, after deducting the costs of counsel or attorney and all other reasonable expenses, be paid into the state treasury. And it shall be lawful for said commissioner to compound or commute for any of the said penalties or forfeitures upon such terms as he shall think proper, and account thereof render at the end of every month to the comptroller of State, with the reason and causes for such compounding or commutation. Said commissioner may also compound or commute with the owner or consignee of any ship, steamer, or vessel for any such bond or bonds as are required in section 5 of this act, to be given by such owner or consignees for such

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person or persons, passenger or passengers as have been paupers in any other country, or who, from their condition at the time of their arrival in any part of this State, or from sickness or disease at the time of their leaving the port of departure, are a public charge or are likely soon to become so; such commutation to be fixed by said commissioner of emigrants at such sum as he may deem just and equitable, and sufficient to defray the necessary expenses consequent upon the care, support, and maintenance of the persons for whom such commutation shall be made during the existence and continuance of their then sick, disabled, or infirm state, and like account thereof render at the end of every month to the comptroller of state, and the amount of moneys received under provision of this section, be paid at the end of each month into the state treasury.

Approved, April 2, 1853.

ACT OF 1855.

[California Statutes, 1855, ch. 153, p. 194.]

AN ACT To discourage the immigration to this State of persons who can not become citizens thereof.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The master, owner, or consignee of any vessel arriving in any of the ports of this State from any foreign State, country, or territory, having on board any persons who are incompetent by the laws of the United States or the laws and constitution of this State to become citizens thereof are hereby required to pay a tax, for each such person, of fifty dollars.

SEC. 2. It shall be the duty of the commissioner of emigrants of the city of San Francisco, or the mayor or other chief municipal officer of any town or city in other parts of this State, to visit all such vessels immediately upon their arrival in any of said ports, and whenever the said commissioner, mayor, or other chief municipal officer shall be satisfied by personal inspection, or otherwise, of the number of passengers referred to in the first section of this act on board of said vessel he shall demand and receive of the master, owner, or consignee of such vessel the sum of fifty dollars for each such passenger so disqualified from becoming a citizen of the United States.

SEC. 3. In the event of the nonpayment of said tax within three days after the arrival of said vessel, or within three days after demand for said tax, said commissioner, mayor, or chief officer of any city, town, or village, shall commence suit in the name of the State against the master, owner, or consignee, or all of them, for said tax before any court of competent jurisdiction in said town or city, and the commencing of said suit shall constitute a lien upon such vessel for the amount of said tax, and it shall be forever liable for the same.

SEC. 4. The commissioner of emigrants of San Francisco is hereby required to pay over on the first Monday of every month to the treasurer of the State, for the use of the hospital fund, all moneys collected under the provisions of this act, reserving to himself first five per cent of the amount so collected as compensation under this act.

SEC. 5. The said commissioner of emigrants is required, before entering upon the duties of this act, to enter a bond to the State of

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California in the sum of thirty thousand dollars, with good and sufficient security, to be approved by the governor, conditioned that he will well and truly discharge all the duties required of him by this act, which said bond shall be filed in the office of the secretary of state.

SEC. 6. This act shall take effect from and after the first day of September next.

Approved, April 28, 1855.

ACT OF 1856.

[California State Laws, 1856, ch. 116, p. 137.]

AN ACT Relative to escheated estates.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Aliens shall hereafter inherit and hold by inheritance real and personal estate in as full a manner as though they were native-born citizens of this or the United States: *Provided*, That no nonresident foreigner or foreigners shall hold or enjoy any real estate situated within the limits of the State of California five years after the time such nonresident foreigner or foreigners shall inherit the same; but in case such nonresident foreigner or foreigners do not appear or claim such estate within the period in this section before mentioned, then such estate shall be sold upon information of the attorney-general according to law, and the proceeds deposited in the treasury of said State for the benefit of such nonresident foreigner or foreigners or their legal representatives, to be paid to them by the treasurer of said State at any time within five years thereafter, when such nonresident foreigner or foreigners, or their representatives, shall produce evidence to the satisfaction of the treasurer and controller of state that such foreigner or foreigners are the legal heirs to and entitled to inherit such estate, which evidence, together with the joint order of the said treasurer and controller, shall be placed on file in the office of the treasurer, and shall be to him a voucher for any payments made by him under the provisions of this act; and in the event that such nonresident foreigner or foreigners do not appear or claim said estate or proceeds, and produce said evidence within said extended term of five years, then said estate or proceeds shall be and become the property of the State, and shall be by the treasurer of state placed to the credit of the school fund.

SEC. 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Approved, April 19, 1856.

ACT OF 1858.

[Statutes of California, 1858, ch. 313, p. 295.]

AN ACT To prevent the further immigration of Chinese or Mongolians to this State.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. On and after the 1st day of October, A. D. 1858, any person or persons of the Chinese or Mongolian races, shall not be

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permitted to enter this State, or land therein, at any port or part thereof, and it shall be unlawful for any man, or person, whether captain or commander, or other person, in charge of, or interested in, or employed on board of, or passenger upon, any vessel, or vessels, of any nature or description whatsoever, to knowingly allow or permit any Chinese or Mongolian on and after such time to enter any of the ports of the State, to land therein, or at any place or places within the borders of this State, and any person or persons violating any of the provisions of this act shall be held and deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine in any sum not less than four hundred dollars, nor more than six hundred dollars, for each and every offence, or imprisonment in the county jail of the county in which the said offence was committed for a period of not less than three months nor more than one year, or by both such fine and imprisonment.

SEC. 2. The landing of each and every Chinese or Mongolian person or persons shall be deemed and held as a distinct and separate offence, and punished accordingly.

SEC. 3. Any captain or commander, or any person owning an interest in, or being employed upon, any vessel or vessels having on board any Chinese or Mongolians, which may be, by storm or distress or other unavoidable accident, driven ashore upon any of the coasts of this State, or within any of the ports of this State, and from which any of said Chinese or Mongolians may be landed within this State, shall not be held liable under the provisions of this act: *Provided, however*, The fact of it being an unavoidable necessity or accident be fully shown to the satisfaction of the court or judge having the hearing of said case before him: *And provided further*, That said person or persons having charge of, or being employed upon, or being interested in, any vessel or vessels thus driven ashore upon any of the coasts of this State, and from which any Chinese or Mongolians shall be landed, shall immediately thereafter use all due diligence in their power to cause each and all of said Chinese or Mongolians to be immediately reshipped, or in other ways conveyed from within the borders of this State, which fact shall also be made to appear to the satisfaction of the court, or the judge having the hearing of the same.

SEC. 4. It shall be the duty of the secretary of state, as soon as practicable after the passage of this act, to cause the same to be translated into the Chinese language, and shall cause one thousand copies of the same to be published in said language, for distribution among the Chinese residents of this State; and the sum of five hundred dollars is hereby set apart, out of any funds in the treasury not otherwise appropriated, to defray the cost of said transportation, publication, and distribution; and it shall also be the duty of the secretary of state to furnish a translated copy of this act to each of the commercial agents of the United States in the ports of China.

Approved, April 26, 1858.

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ACT OF 1860.

[California Statutes, 1860, ch. 57, p. 32.]

AN ACT To amend an act entitled "An act concerning passengers arriving in the ports of this State," approved May 3, 1852.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 12 of an act entitled "An act concerning passengers arriving in the ports of the State of California," passed May 3, 1852, is hereby amended so as to read as follows:

SEC. 12. For the port of San Francisco there shall be appointed by the governor of the State, by and with the advice and consent of the senate, a superintendent of immigration, who shall in that city discharge all the duties required by this act. He shall hold his office for two years, and before entering upon his duties he shall file in the office of the secretary of state a bond with two or more sureties, in the sum of twenty-five thousand dollars, to be approved by the governor, for the faithful performance of his duties. He shall receive a commission of ten per cent on all moneys collected by him and paid into the state treasury under this act. He shall approve all bonds and administer all oaths or affirmations required in the discharge of his duties, as in section ten of this act. Whenever, in the city of San Francisco, it shall appear to said superintendent, or in any other port of this State, to the mayor thereof, that the master or commander of any vessel has not made a full and correct report, as in section one of this act is required, it shall be the duty of such superintendent or mayor to inquire into the same, and for that purpose may require the attendance of witnesses before him in the same manner, by subpœna and attachment, as is provided for compelling the attendance of witnesses before the district courts in civil cases. The depositions taken in writing before said mayor or superintendent may be read in evidence on the trial of any suit commenced for any penalty or forfeiture, or for any sum due on any bond, according to the provisions of this act, with the like effect as if regularly taken in such suit, subject to all legal exceptions thereto.

SEC. 2. The office of commissioner of emigrants is hereby abolished, and all the duties and functions heretofore devolving upon that office shall be performed by the superintendent of immigration created by this act.

SEC. 3. Section second of an act entitled "An act to amend an act entitled 'An act concerning passengers arriving in the ports of the State of California,'" passed April 2, 1853, is hereby repealed.

Approved, February 15, 1860.

ACT OF 1863.

[California Statutes, 1863 (fourteenth session), ch. 126, p. 150.]

AN ACT To amend an act entitled "An act concerning passengers arriving in the ports of this State," approved May 3, 1852.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 12 of an act entitled "An act concerning passengers arriving in the ports of this State," approved May 3, 1852, is hereby amended so as to read as follows:

SECTION 12. For the port of San Francisco there shall be appointed by the governor of the State, by and with the advice and consent of the senate, a "Commissioner of immigration," who shall, in the city of San Francisco, discharge all the duties required by this act. He shall hold his office for four years, and before entering upon his duties, he shall file in the office of the

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secretary of state a bond, with sufficient sureties, in the sum of twenty-five thousand dollars, to be approved by the governor, for the faithful performance of his duties. He shall receive a commission of twenty per cent on all moneys collected by him and paid into the state treasury under this act. He shall approve all bonds and administer all oaths and affirmations required in the discharge of his duties. Whenever it shall appear to said commissioner that the master or commander of any vessel has not made a full and correct report, as provided by this act, it shall be his duty to inquire into the same, and for that purpose may require the attendance of witnesses before him, in the same manner as provided before district courts in civil cases. Depositions so taken may be read as evidence on the trial of any suit commenced for any penalty or forfeiture accruing under the provisions of this act, in the same manner and with the like effect, as if regularly taken in such suit.

SEC. 2. The office of superintendent of immigration is hereby abolished, and all the duties and functions heretofore devolving upon that officer shall be performed by the commissioner of immigration created by this act.

SEC. 3. All the laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1863.

ACTS OF 1870.

I.

[California Statutes, 1869–70 (eighteenth session), c. 230, pp. 330–333.]

AN ACT To prevent the kidnapping and importation of Mongolian, Chinese, and Japanese females for criminal or demoralizing purposes.

Whereas the business of importing into this State Chinese women for criminal and demoralizing purposes has been carried on extensively during the past year, to the scandal and injury of the people of this State, and in defiance of public decency; and

Whereas many of the class referred to are kidnapped in China, and deported at a tender age, without their consent and against their will; therefore, in exercise of the police power appertaining to every State of the Union, for the purpose of remedying the evils above referred to and preventing further wrongs of the same character,

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall not be lawful, from and after the time when this act takes effect, to bring, or land from any ship, boat or vessel, into this State, any Mongolian, Chinese, or Japanese females born either in the Empire of China or Japan, or in any of the islands adjacent to the Empire of China, without first presenting to the commissioner of immigration evidence satisfactory to him that such female desires voluntarily to come into this State, and is a person of correct habits and good character, and thereupon obtaining from such commissioner of immigration a license or permit particularly describing such female and authorizing her importation or immigration.

SEC. 2. Any master, officer, owner or part owner of any steamship, sailing or other vessel, or any other person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall

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be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or imprisonment for a term not less than two nor more than twelve months, or by both such fine and imprisonment.

SEC. 3. Every individual person of the class hereinbefore referred to, transported into this State contrary to the provisions of this act, shall render the person so transporting liable to a separate prosecution and penalty, and the transportation of each one as aforesaid shall create a separate and distinct offence, and render the person offending liable to the pains and penalties herein provided.

SEC. 4. The commissioner of immigration shall reside and keep his office in the city of San Francisco, and perform all the duties assigned to him by this act, and also all such duties and functions as may devolve upon such commissioner under the laws now in force. He shall hold his office for the term of four years, and shall be subject to removal by the governor. Before entering upon his duties, the commissioner shall take and subscribe the constitutional oath of office, and file in the office of the secretary of state a bond in the sum of twenty-five thousand dollars, with sufficient sureties, to be approved by the governor, conditioned for the faithful performance of his duties. The office of commissioner of immigration, as it now exists, is hereby declared vacant.

SEC. 5. All fees and commissions collected or received by the commissioner of immigration shall, less twenty per cent retained as his fees and commissions, be paid by him into the state treasury each month, and a detailed statement of the same, verified by oath, shall be, at the time of each payment, filed by him in the office of the controller of state. Such stationery as he may require shall be furnished to him by the secretary of state.

SEC. 6. The county courts throughout the State shall each have jurisdiction of prosecutions for offences against the provisions of this act.

SEC. 7. All acts and parts of acts, so far as they may be in conflict with the provisions of this act, are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 18, 1870.

II.

[C. 231.]

AN ACT To prevent the importation of Chinese criminals and to prevent the establishment of coolie slavery.

Whereas criminals and malefactors are being constantly imported from Chinese seaports, whose depredations upon property entail burdensome expense upon the administration of criminal justice in this State; and whereas by the importation of such persons a species of slavery is established and maintained which is degrading to the laborer and at war with the spirit of the age: Now, therefore, in the exercise of the police powers appertaining to this State,

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall not be lawful, from and after the time when this act takes effect, to bring or to land from any ship, boat, or ves-

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sel, into this State, any Chinese or Mongolian, born either in the Empire of China or Japan, or in any of the islands adjacent to the Empire of China, without first presenting to the commissioner of immigration evidence satisfactory to him that such Chinaman or Mongolian desires voluntarily to come into this State, and is a person of correct habits and good character, and thereupon obtaining from such commissioner of immigration a license or permit, particularly describing such Chinaman or Mongolian, and authorizing his importation or immigration.

SEC. 2. Any master, officer, owner, or part owner of any steamship, sailing or other vessel, or any other person, violating any of the provisions of this act, or assisting in such violation shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment for a term of not less than two nor more than twelve months, or by both such fine and imprisonment.

SEC. 3. Every individual person of the class hereinbefore referred to, transported into this State contrary to the provisions of this act, shall render the person so transporting liable to a separate prosecution and penalty, and the transportation of each one, as aforesaid, shall create a separate and distinct offence, and render the person so offending liable to the pains and penalties herein provided.

SEC. 4. The several county courts throughout the State shall each have jurisdiction of prosecutions for offences against the provisions of this act.

SEC. 5. This act shall take effect and be in force from and after the 1st day of July, anno Domini, 1870.

Approved, March 18, 1870.

RESOLUTION OF 1872.

[Statutes of California, No. 20, 1871–72, p. 970.]

ASSEMBLY CONCURRENT RESOLUTION No. 3, Instructing our Senators and requesting our Representatives in Congress to obtain the adoption of such treaty regulations and legislation as shall discourage Chinese immigration.

Whereas the presence in our midst of a large number of Chinese, who are incapable of assimilation with our own race, ignorant of the nature and forms of our Government, and who manifest no disposition to acquire a knowledge of the same, or to conform to our habits, manners, and customs, is a serious and continuing injury to the best interests of the State; and

Whereas their employment, under the plea of cheap wages, is offensive to the exalted American idea of the dignity of labor, detrimental to the prosperity and happiness of our own laboring classes, and an evil which should be abated; therefore, be it

Resolved by the assembly, the senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence and urge upon the Federal Government the adoption of such treaty regulations and legislation as shall discourage their further immigration to our shores.

Resolved, That the governor be requested to forward a copy of this preamble and these resolutions to our Senators and Representatives at Washington without delay.

Adopted, February 17, 1872.

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RESOLUTIONS OF 1874.

I.

[California Statutes (twentieth session), No. 8, 1873–74, p. 965.]

SENATE CONCURRENT RESOLUTION No. 14.

Whereas the morning papers give a synopsis of a bill introduced into Congress by the Hon. H. F. Page, to prohibit the employment of coolie labor under the pernicious system of contract, whereby large numbers are shipped to our shores in violation of our laws, to the injury of society and the best interests of our people: Therefore be it

Resolved by the senate (the assembly concurring), That we hereby heartily indorse the action of our Representative in Congress, and will cordially cooperate with our congressional delegation in the passage of any constitutional measure that will tend to relieve us of this class of people and prevent their further immigration to our shores.

Adopted, January 12, 1874.

II.

[California Statutes (twentieth session), No. 29, 1873–74, p. 979.]

SENATE CONCURRENT RESOLUTION No. 25, On Chinese immigration.

Whereas the great influx of Chinese into the State of California has proved detrimental to the moral and material well-being of our industrial classes, by forcing on them a competition at wages below the cost of subsistence to men of our own origin, who have families depending on their labor for support and education; and

Whereas article 5 of the treaty of 1868 between the United States and the Chinese Empire—the former containing forty millions of inhabitants and the latter nearly four hundred millions—provides that the parties thereto shall impose no obstacle to the emigration of their citizens and subjects from the one country to the other, for the purposes of curiosity, of trade, or as permanent residents; under which stipulation it is notorious that large numbers of persons, frequently aggregating over one thousand in a single vessel, are brought into the port of San Francisco by companies of associated Chinese capitalists, under contract made in China, to perform labor at low wages for their masters for a series of years, within the United States, which contracts are enforced by the edicts of secret tribunals, which inflict, in defiance of our laws, cruel and arbitrary punishment; and

Whereas it is against public policy and the future welfare of our people that, under any pretext whatever, encouragement should be given by treaty stipulation, or otherwise, to the emigration, free or involuntary, of a servile laboring element, whose low standard of living and morality menaces the communities in which it may reside with pestiferous disease; and

Whereas Mongolian labor has driven from employment large numbers of our people, by a competition which has been prolific of idleness, vice, and suffering among our people, thereby assisting to fill our jails, poorhouses, and hospitals with unwilling inmates; therefore, be it

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Resolved by the senate (*the assembly concurring*), That our Senators be instructed and our Representatives requested to use their influence to have articles 5 and 6 of our treaty with China modified, so as to discourage the further immigration of Chinese to our shores, by appropriate action on the part of the Federal Government.

Resolved, That his excellency the governor be requested to forward a copy of the foregoing preamble and resolutions to our Senators and Representatives in Congress, at as early a day as possible.

Adopted, February 26, 1874.

ACT OF 1877.

[California State Laws, 1877–78, ch. 5, p. 3.]

AN ACT To ascertain and express the will of the people of the State of California upon the subject of Chinese immigration.

Whereas it is expedient that the wishes of the people of this State upon the subject of Chinese immigration should be unmistakably expressed: Therefore

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That thirty days prior to the next general or special state election the governor shall issue his proclamation calling upon the electors to signify at said election their will as to the continuance or prohibition of Chinese immigration by placing upon their ballots the words "For Chinese immigration" or the words "Against Chinese immigration;" and the inspectors and the judges of election, at each and every poll in the State, shall ascertain and make returns of the number of votes cast "For Chinese immigration" and the number of votes cast "Against Chinese immigration" in like manner as other votes are required to be counted and returned, and an abstract thereof shall be transmitted by each county clerk in the State to the secretary of state in the same manner that votes for state officers are now required to be transmitted.

SEC. 2. The secretary of state shall make a complete abstract of the votes given at such election, and certify the same to the governor.

SEC. 3. The governor shall prepare a memorial from the people of the State of California, attested by the secretary of state, with the great seal attached, setting forth in brief the question submitted to the electors and the vote thereon, and send copies thereof to the President and Vice-President of the United States, to each Cabinet minister, Senator, Member of the House of Representatives, and the governor of each State and Territory.

Approved, December 21, 1877.

ACTS OF 1880.

I.

[California State Laws, 1880, ch. 20, p. 15.]

AN ACT To promote emigration from the State of California.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for the owners, officers, agents, or employees of any steamship company, sailing vessel, or railroad com-

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pany, or firm, or corporation that may be engaged in this State in the transportation of passengers to and from any foreign port to withhold or refuse any person or persons the right to purchase a passage ticket or tickets to any foreign country for the reason that he or they have not presented a certificate, card, or other document whatsoever, showing that such person has paid in full, or in part, any or all dues, debts, or demands, or otherwise, or any sum whatsoever, to any society, company, corporation, association, or individual, or firm; and any person or corporation who shall violate the provisions of this section, or in pursuance of any agreement, oral or written, refuse to sell a passage ticket to any person to any foreign country, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred nor more than five hundred dollars: *Provided*, That nothing in this section shall be construed in any manner to apply to any passport or other document required by law to be presented, having the signature or seal of any foreign consul resident within this State.

SEC. 2. This act shall take effect on and after its passage.

Approved, March 26, 1880.

II.

[Ch. 29, p. 22.]

AN ACT To provide for the removal of Chinese, whose presence is dangerous to the well-being of communities, outside the limits of cities and towns in the State of California.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of trustees or other legislative authority of any incorporated city or town and the board of supervisors of any incorporated city and county are hereby granted the power, and it is hereby made their duty, to pass and enforce any and all acts or ordinances or resolutions necessary to cause the removal without the limits of such cities and towns, or city and county, of any Chinese now within or hereafter to come within such limits: *Provided*, That they may set apart certain prescribed portions of the limits of such cities or towns, or city and county, for the location therein of such Chinese.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, April 3, 1880.

III.

[Ch. 51, p. 39.]

AN ACT To prohibit the issuance of licenses to aliens not eligible to become electors of the State of California.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. No license to transact any business or occupation shall be granted or issued by the State, or any county, or city, or city and

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county, or town, or any municipal corporation, to any alien not eligible to become an elector of this State.

SEC. 2. A violation of the provisions of section 1 of this act shall be deemed a misdemeanor, and be punished accordingly.

Approved, April 12, 1880.

IV.

[Ch. 116, p. 123.]

AN ACT Relating to fishing in the waters of this State.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. All aliens incapable of becoming electors of this State are hereby prohibited from fishing, or taking any fish, lobster, shrimps, or shellfish of any kind for the purpose of selling or giving to another person to sell. Every violation of the provisions of this act shall be a misdemeanor, punishable upon conviction by a fine of not less than twenty-five dollars, or by imprisonment in county jail for a period of not less than thirty days.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, April 23, 1880.

RESOLUTION OF 1883.

[Statutes and Amendments to the Codes, California, 1883, ch. 6, p. 388.]

ASSEMBLY CONCURRENT RESOLUTION No. 1, relative to the law restricting Chinese immigration and its construction by officers of the General Government.

Whereas by the late decisions of officers of the General Government, the spirit and intent of the law restricting Chinese immigration have been violated and set aside, thereby permitting Chinese subjects to enter the United States for the purpose, apparently, of passing through the country on their way to China, but there being nothing to prevent their stopping while in transit, the objects of the law will be defeated and our State be again subject to a renewed invasion by that undesirable class of people; therefore,

Resolved by the assembly (the senate concurring), That we request our Senators and Representatives in the Congress of the United States to enter a protest upon the part of the State of California against such construction of the said law; and also request them to do all acts necessary to make such additional provisions to said bill which will prevent the attempted abrogation of the spirit and intent of said law.

Be it further resolved, That the governor of this State be, and he is hereby, requested totransmit a copy of the above preamble and resolution and forward the same to each Senator and Representative in Congress from the State of California.

Adopted, February 9, 1883.

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ACTS OF 1883.

I.

[California State Laws, 1883, ch. 80, p. 368.]

AN ACT To add a new section to the Political Code, to be known as section 2969, relating to the auditing of the accounts of the immigration commissioner, and for the purpose of the prevention of frauds in the same.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be designated as section 2969:

2969. All moneys received by the state controller from the office of commissioner of immigration shall constitute a special fund, to be designated as "The leprosy fund." The commissioner of immigration is hereby authorized and required to pay into the state treasury, monthly, in the same manners as county treasurers account, all per capita fees collected by him, and moneys derived from fines, penalties, and forfeitures. The state controller is hereby authorized and required to audit the salary and office expenses of the commissioner of immigration monthly, the same to be paid in the controller's warrants on said special fund: *Provided, however,* That no such account of salary and office expenses shall be audited in excess of the amount of "leprosy funds" on hand, and no liability shall accrue to the State for any deficiency relating thereto.

SEC. 2. The commissioner of immigration shall not appoint more than one deputy, and the salary of said deputy is hereby fixed at one hundred dollars per month; and furthermore, the governor is hereby authorized to suspend the payment for said deputy whenever the employment of the same may be deemed in his judgment unnecessary.

SEC. 3. The commissioner of immigration shall hold office during the governor's pleasure.

SEC. 4. All acts and parts of acts in conflict with this section are hereby repealed.

SEC. 5. This act shall take effect immediately.

Approved, March 13, 1883.

II.

[Ch. 80, p. 386.]

AN ACT To add a new section to the Political Code, to be known as section 2969, relating to the auditing of the accounts of the immigration commissioner, and for the purpose of the prevention of frauds in the same.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be designated as section 2969:

2969. All moneys received by the state controller from the office of commissioner of immigration shall constitute a special fund, to be designated as "The leprosy fund." The commissioner of immigration is hereby authorized and required to pay into the state treasury, monthly, in the same manner as county treasurers' accounts, all per capita fees collected by him and moneys derived from fines, penalties, and forfeitures. The state controller is hereby authorized and required to audit the salary and office expenses of the commissioner of immigration, monthly, the same to be paid in the controller's warrants on said special fund: *Provided, however,* That no such account of salary and office expenses shall be audited in excess of the amount of "leprosy funds" on hand, and no liability shall accrue to the State for any deficiency relating thereto.

SEC. 2. The commissioner of immigration shall not appoint more than one deputy, and the salary of said deputy is hereby fixed at one

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hundred dollars per month; and, furthermore, the governor is hereby authorized to suspend the payment for said deputy whenever the employment of the same may be deemed, in his judgment, unnecessary.

SEC. 3. The commissioner of immigration shall hold office during the governor's pleasure.

SEC. 4. All acts and parts of acts in conflict with this section are hereby repealed.

SEC. 5. This act shall take effect immediately.

Approved, March 15, 1883.

RESOLUTION OF 1885.

[Statutes and Amendments to the Codes, California, 1885 (extra session, 1884), ch. 9, p. 232.]

SENATE CONCURRENT RESOLUTION NO. 6, Relative to the restriction of Chinese immigration.

Whereas the people of California are unanimously and thoroughly in earnest in the conviction that the introduction of Chinese labor into the United States is a menace to our institutions, threatening the degradation of labor and the destruction of the industrial classes, a conviction first growing in this State, where its evils first became apparent, but rapidly becoming national as the curse extends; and whereas, in obedience to this feeling, Congress, following the policy established in a treaty with the Chinese Empire, passed a law to carry out its restrictive provisions, and subsequently an amendatory restriction act to remedy defects of the first law, made apparent by the ingenuity and perjury of a race not acknowledging the solemnities of judicial oaths, nor entertaining the respect for law and judicial proceedings which lay at the foundations of our governmental fabric; and whereas the people of California, with deepest concern, have seen the decisions of the circuit court of the United States, giving reasonable vitality and cheering efficacy to said treaty and laws, overruled by the Supreme Court and the executive officers of the Government, until the earnest labors of years return to us only in disappointed hopes: Therefore be it

Resolved by the senate of the State of California, the assembly concurring, That our Senators be instructed and our Representatives in Congress be requested to propose and urge the immediate passage of an act which shall so amend the present Chinese-restriction act as to prevent the flagrant evasions of the law which are now practiced, and which shall express the legislative intent so unmistakably that the law may be fully administered by the proper officers; that the federal courts of this State may be freed of the burden of hearing Chinese habeas corpus cases, which now crowd these courts to the exclusion of other business, and to the detriment of the interests of suitors.

Resolved, That the people of the State of California, irrespective of political affiliation, are unanimous in demanding that the importation of Chinese labor to this country shall cease.

Resolved, That the people of this State indorse the action of their Senators and Representatives in Congress in their earnest efforts to procure the necessary legislation to protect us from the evils of Chinese immigration.

Adopted, February 16, 1885.

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RESOLUTION OF 1889.

[Statutes and Amendments to the Codes, California, 1889, ch. 4, p. 572.]

SUBSTITUTE for senate concurrent resolution No. 4, requesting the Senate and House of Representatives of the United States to continue in force a certain act of Congress entitled "A supplement to an act entitled 'An act to execute certain treaty stipulations relating to Chinese,'" approved on the 1st day of October, 1888, and praying for additional legislation to make it more effective.

Resolved by the senate of the State of California, the assembly concurring, That we fully indorse the action of Congress and of the President in the enactment of the measure known as the Scott exclusion bill. That in behalf of the people of California, irrespective of political parties, we ask the Government of the United States, in all of its branches, to rigidly enforce the provisions of said law.

Resolved, That we respectfully memorialize Congress and the President of the United States to concur in the enactment of such additional legislation as will make said restriction act more effective, by preventing the entrance of the Chinese into the United States over the Canadian and Mexican borders; to this end we respectfully, but earnestly, recommend that, if necessary, treaties be entered into between our Government and the Governments of Mexico and Great Britain to prevent the violation of the said restriction law by the transit of Chinese through Mexico and Canada into the United States.

Resolved, That an experience of forty years has proven that the concession to the people of China of the rights and privileges of the most favored nations was a mistake, and that the reception within our borders of a nonassimilating class is an evil unmitigated by a single real benefit to the citizen of the Republic.

Resolved, That our Senators in Congress be instructed and our Representatives requested to present this concurrent resolution to the Senate and House of Representatives of the United States.

Resolved, That his excellency the governor be requested to immediately forward, by telegraph, a copy of this resolution to each of our Senators and Representatives in Congress.

Adopted, February 20, 1889.

ACT OF 1891.

[Statutes and Amendments to the Codes, California, 1891, ch. 140, pp. 185–192.]

AN ACT To prohibit the coming of Chinese persons into the State, whether subjects of the Chinese Empire or otherwise, and to provide for registration and certificates of residence, and determine the status of all Chinese persons now resident of this State, and fixing penalties and punishments for violation of this act, and providing for deportation of criminals.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. From and after the passage of this act it shall be unlawful for any Chinese person or persons, whether subjects of the Chinese Empire or otherwise, as well as those who are now within the limits of this State, and who may hereafter leave this State and attempt to return, as those who have never been here, or having been

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here have departed from this State (save and excepting only the following classes, that is to say: Such Chinese person or persons as may be duly accredited to the Government of the United States as ministers plenipotentiary or other diplomatic representatives, consuls-general, consular and commercial agents, including other officers of the Chinese or other governments traveling upon the business of that Government, with their body and household servants), to come to or within, or to land at or remain in any port or place within this State; and the coming of the Chinese persons to this State, whether for the purpose of transit only or otherwise, excepting the classes hereinbefore specifically described and excepted, from and after the passage of this act, be, and the same is hereby, absolutely prohibited.

SEC. 2. The master, purser, or agent of any vessel, who, on clearing from any foreign port and bound to any port of this State, shall knowingly ship as a sailor or marine, or enter upon his crew list, or count upon his "bill of health," or permit the same to be entered or counted, the name of, or bring into this State, any Chinese person, other than those excepted by the statutes of the United States, as such Chinese person or persons, duly accredited to the Government of the United States as ministers plenipotentiary, or other representatives, consuls-general, consular, and commercial agents, including other officers of the Chinese or other governments traveling upon business of that Government, with their body and household servants shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished, by a fine of not more than five hundred dollars for each and every such Chinese person so entered, counted, or brought into this State, and may also be imprisoned for a term of not exceeding one year; but the foregoing provisions shall not apply to the case of any master, purser, or agent whose vessel, being bound to a port not within this State, shall come within the jurisdiction of this State by reason of being in distress, or in stress of weather, or touching at any port of this State on its voyage to any other State, or foreign port or place: *Provided*, That no Chinese person brought on such vessel shall be permitted to land, except in case of absolute necessity, and must depart with the vessel on its leaving port; and if so permitted to land, such master, purser, or agent shall be liable as in this section provided.

SEC. 3. It is hereby made the duty of all agents of transportation, and ticket agents, in this State, for railroads, stage lines, steamship lines, and vessels of all descriptions, and masters and pursers of the same, when applied to by any Chinese person, or by any other person for the passage of a Chinese person, for a ticket as passenger from one station, town, city, port, or landing in this State, to another station, town, city, port, or landing in this State, or to any other State of the United States, and before selling such ticket, to demand of said person applying permission to see, and shall, before selling a ticket, examine the "certificate of residence" of the applicant, as described in this act, and insert the number of said certificate of residence on said ticket; and should such applicant or Chinese person fail to produce such certificate, then the said agent shall not sell a ticket to, or permit said Chinese person to take passage, and said agent, master, or purser shall arrest, or cause to be arrested, the said Chinese person or applicant, and proceed to file a complaint with

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any justice of the peace or police judge, or court having jurisdiction of the same, as in other cases provided for in this act, or turn over such Chinese person or applicant to some peace officer, whose duty it is to enforce the provisions of this act. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every offense, and may be imprisoned for a term of not more than one year.

SEC. 4. It shall be the duty of all conductors or agents of transportation, who may be authorized to examine tickets and receive fare of Chinese persons upon any railroad, stage line, sail vessel, or steamship plying between points, landings, ports, stations, towns, or cities of this State, or coming into this State from other States of the United States, or any foreign country, to demand at the same time to see and examine the "certificate of residence" described in this act; and should any such Chinese person refuse or fail to produce, on demand, said certificate, conforming in all particulars to the provisions of section (11) eleven of this act, it shall be the duty of said agent, or conductor, master, or purser, to arrest and confine such Chinese person until such time as he shall be able to deliver over such person to some peace officer, or file a complaint against said Chinese person in a court having jurisdiction, as provided for in this act; and should any such agent, ticket agent, conductor, master of vessel, or purser, refuse, or willfully or knowingly neglect to comply with the provisions of this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars, and may be imprisoned for a term of not more than one year.

SEC. 5. Any person who shall knowingly bring into or cause to be brought into this State, by land or otherwise, or who shall aid or abet the same, or aid or abet the landing in this State, from any vessel or otherwise, of any Chinese person not lawfully entitled to enter this State, shall be deemed guilty of a felony, and shall on conviction thereof be fined in a sum of not exceeding one thousand dollars, and imprisoned in the state's prison for a term not exceeding one year, and, if a Chinese person, shall be sentenced to deportation as in other cases.

SEC. 6. No Chinese person shall be permitted to enter this State, by land or water, without first producing the certificate in this act required of Chinese persons resident of this State. And any Chinese person found guilty of being unlawfully within the State shall be caused to be removed therefrom, by judgment of court, to China, unless the defendant shall prove that he is a citizen of some foreign country other than China, then to said country of which he is a citizen. The burden of establishing citizenship shall rest upon the defendant. In every case, when established that such Chinese person is not lawfully in this State, then the judgment of the court shall be deportation to the country of his citizenship at the cost of said person so to be deported; and judgment and fine may be rendered therefor, and, if collected, paid unto and accredited to the Chinese fund, and if not paid or collected, then, in the first instance, to be paid by this State out of the Chinese fund, after being brought before some superior court judge of this State, and declared by said

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judgment to be one not lawfully entitled to be or to remain in this State: *Provided*, That after such judgment and finding of any court having jurisdiction, said court may transmit such findings and judgment to the governor, who may forward a copy thereof to the Secretary of the Treasury of the United States, or other officer designated by him, and request that such Chinese person shall be removed from the limits of this State at the expense of the United States; and in all such cases the person who brought or aided in bringing such person to this State shall be liable to the government of this State for all necessary expenses incurred in such investigation and removal; and all peace officers of the several counties of this State, including all other persons authorized to make arrests, are hereby invested with the same authority as any sheriff or constable.

SEC. 7. Any Chinese person adjudged guilty of being unlawfully within the jurisdiction of this State, and on conviction thereof, shall be punished by being deported from this State to his or her own country, or by a fine of not less than five hundred dollars nor more than one thousand dollars, and deportation from this State to his or her own country, or by imprisonment in the state prison for a term not less than one nor more than five years, and on termination of said imprisonment shall be deported to China, or such country of which he is a citizen; all the expenses of deportation, upon approval of the state board of examiners, shall be drawn from the Chinese fund provided for in this act, and from no other source, when defrayed by the State.

SEC. 8. In all cases where the judgment of deportation, or fine and deportation, or imprisonment and deportation, shall be rendered by any court trying the same, it shall be the duty of the court to cause to be made a copy of the findings and judgment in the case, attaching to the same a well-taken photograph of the defendant, and also stating such distinctive facial marks, or noticeable physical marks or features as will at any future time assist in a ready detection and conviction on a second offense, and forward the same to the commissioner of the bureau of labor statistics of this State for preservation and reference at any future time.

SEC. 9. Within ninety days after the passage of this act, it shall be the duty of the commissioner of the bureau of labor statistics of this State to cause to be published in one daily or weekly newspaper, if any, of general circulation within each county of the State, for the period of one month, once each week, a notice to all Chinese persons within the State, and also post a like notice in a conspicuous place at such post-offices as he may deem proper, written in the Chinese language, directing and commanding all Chinese persons within this State to appear at the office of the commissioner of the bureau of labor statistics within ninety days from the date of the last publication of such notices, and apply for the certificate of residence provided for in this act.

SEC. 10. It shall be the duty of every county clerk to record, in a book kept for that purpose, and with reasonable dispatch, all certificates of residence issued to Chinese persons who may reside in the county, and keep a full record of all such certificates, for future reference and identification, with the photograph of said Chinese person incorporated therein.

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SEC. 11. The form of "certificate of residence" shall be printed on parchment of convenient size and durable quality, leaving a blank space in center of first page of sufficient size, on which shall be printed or pasted a well-taken photograph of applicant, including, when possible, all facial marks or other features calculated to aid in a ready identification. The printing surrounding the photograph shall be in clear type, and contain the name, date of birth, place of birth, and country and citizenship; date of departure from such country; date and year of arrival in the United States, at what port landing; age, sex, post-office address, number of street, town, city, farm, ranch, county, and State at which he may now reside; family name and tribe, complexion, color, height, weight, and occupation; by whom employed, and post-office address of employer; if working on own account, at what employment, giving number of street, town or city, name of farm, ranch, and occupation, and also any particular noticeable facial marks or bodily deformity as may be observed and believed to render ready aid in future identification; and any Chinese person who shall be found within the jurisdiction of this State, unprovided with a certificate of residence of the form above set forth, and bearing the official signature of the commissioner of the bureau of labor statistics of this State, after the expiration of one year from the date of the passage of this act, then and in such case he shall be deemed and adjudged as unlawfully within the limits of this State, and subject to punishment as provided for in this act.

SEC. 12. The county clerk shall cause to be affixed to the "certificate of residence" of every Chinese person presenting the same for record his official signature and seal and the date of record.

SEC. 13. It shall be the duty of all Chinese persons within the limits of this State at the date of the passage of this act within one year after the passage of this act to apply for a "certificate of residence" to the commissioner of the bureau of labor statistics, and on obtaining the same to present to, and have recorded by, the county clerk of the county of residence of such Chinese person his "certificate of residence," as hereinbefore provided; and any Chinese person within the limits of this State who shall fail or refuse to comply with the provisions of this act shall be adjudged by the court before whom he may be tried as being unlawfully within the limits of this State and subject to the same fines and penalties as in other cases provided for in this act.

SEC. 14. Immediately after the passage of this act the secretary of state shall cause to be printed by the state printer and sent to the clerks of the several counties throughout this State the necessary of the bureau of labor satistics for a certificate as required herein, in such form as prescribed by this act and the commissioner of the bureau of labor statistics.

SEC. 15. Each Chinese person who shall apply to the commissioner of the bureau of labor statistics for a certificate as required herein, shall pay to the said commissioner of the bureau of labor statistics, to be paid into the state treasury and credited to the "Chinese fund," the sum of five dollars, which sum, together with cost of photographs, and recording, and fee of deputy issuing the certificate of residence, shall be the only compensation allowed for registering and issuing

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certificates to Chinese persons as herein provided: *And provided*, That the applicant shall pay for or furnish the photograph set forth in section 11 of this act, satisfactory to the commissioner of the bureau of labor statistics.

SEC. 16. Immediately after the passage of this act the secretary of state shall cause to be printed by the state printer, on parchment, and of the size adopted by the commissioner of the bureau of labor statistics, blank copies of the "certificate of residence" referred to in this act in sufficient quantities to supply the requirements of the commissioner of the bureau of labor statistics in carrying out this act.

SEC. 17. The controller of this State shall open a set of books of account, known as the "Chinese fund account," in books to be provided by the secretary of state, in which shall be entered all moneys received under this act, the date received, the name of persons paying the same, and for what purpose such money was received, upon itemized statements, rendered on the last day of each month by the commissioner of the bureau of labor statistics, on blank forms furnished by the State for such purpose; and thereupon the commissioner of the bureau of labor statistics shall pay such moneys into the state treasury to the credit of said Chinese fund.

SEC. 18. The fees collected under the provisions of this act shall be known and set apart by the treasurer of state as the "Chinese fund," and shall be held and drawn upon solely to defray the expenses incidental to the execution of this act.

SEC. 19. The governor of this State is authorized and required, at the expiration of one year from the passage of this act, to offer a reward of twenty-five dollars to any person or persons, as informants, who shall produce the necessary testimony for the conviction of any Chinese person of a violation of this act: *Provided*, That the same shall be paid from the fund collected under the provisions of this act and known as the "Chinese fund," and from no other moneys belonging to the State: *Provided*, That no such reward shall be allowed when such Chinese persons are deported for violation of other laws of this State or municipal ordinances.

SEC. 20. Whenever any peace officer of this State, or of any county or municipality of the same, shall have good reason to believe that any Chinese person has neglected to provide himself or herself with a certificate of residence provided for in this act, he shall demand of said person permission to see and examine said certificate; and, on failure or refusal of such said person to produce the same, he shall at once report the facts, on oath, to the nearest justice of the peace, or police judge, or judge of any superior court, who shall, if in his judgment good cause is shown, issue his warrant for the arrest of of any case under this act that, upon the testimony, the defendant upon said charge.

SEC. 21. Whenever it shall appear to any court having jurisdiction of any cause under this act that, upon the testimony, the defendant has failed to provide himself or herself with the certificate as set forth in this act, for cause, or from reasonable circumstances over which he or she had no control, then and in such cases the judgment of the court shall be that such Chinese person shall pay all costs of such investigation, and at that time, without delay, proceed to

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register and procure a certificate as provided for in this act: *And provided further*, That should the defendant fail, on demand of the court, to comply with the judgment of the same, under the provisions of this act, then and in such cases the penalty shall be the same as provided for in other cases, and the award to the informant shall be the same as in other cases: *Provided*, That when sufficient excuse is shown for not having registered, and such registration is made, no penalty shall be inflicted except the payment of costs.

SEC. 22. Any person whose race or nationality precludes him from being naturalized under the laws of the United States, or under the laws of this State, found guilty of a violation of any law of this State, or of any ordinance of a municipality of this State, other than a capital offense, shall be deemed and adjudged as having forfeited all right and privilege to remain within the State, and it shall be the duty of the court trying the cause to pass sentence of deportation as in other cases provided for in this act, to be executed after he shall have satisfied the penalty of fine and imprisonment, or either, for violation of such law of this State, or ordinance of any municipality of the same; provided, that the court trying said cause may, in its discretion, pass such sentence of deportation in the first instance as the only penalty.

SEC. 23. Any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein registered, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a felony, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars and imprisoned in the state penitentiary for a term of not more than five years.

SEC. 24. For the purpose of carrying out the provisions of this act it is hereby provided:

SUBDIVISION 1. That the commissioner of the bureau of labor statistics shall have for his services, to be rendered in carrying out this act, the sum of two thousand dollars per annum, payable out of the Chinese fund in this act created and provided for.

SUBDIVISION 2. The commissioner of the bureau of labor statistics may, with the concurrence and consent of the governor, appoint such deputies as may be deemed by them necessary to carry out the provisions of this act, and that such deputies shall receive such compensation as may be fixed by the State board of examiners, not to exceed the sum of one dollar for each certificate issued, in full compensation for their services as such deputies, to be charged to the Chinese fund hereinbefore specified.

SUBDIVISION 3. All claims arising out of and incident in carrying out the provisions of this act shall be presented the same as other claims against the State, and audited and passed on by the state board of examiners, and paid on warrants drawn by the controller upon the Chinese fund.

SEC. 25. This act shall take effect from and after its passage.

Approved, March 20, 1891.

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RESOLUTION OF 1893.

[Ch. 16, p. 620.]

ASSEMBLY JOINT RESOLUTION NO. 9, Relative to foreign immigration to the United States.

Whereas the experience of the past has shown that our laws are not sufficient to restrain the nations of Europe from making of America a dumping ground for the pauper and criminal classes of foreign lands; and

Whereas there is now under consideration by Congress legislation designed to stop the influx of undesirable foreigners into the United States: Now, therefore, be it

Resolved by the assembly of the State of California (the Senate concurring), That we instruct our Senators and request our Representatives in Congress from this State, to advocate such measures of national legislation as will effectually put a stop to undesirable immigration, even to the extent, if found necessary, of prohibiting immigration altogether; and be it

Resolved, That the governor be requested to transmit to each of our Senators and Representatives in Congress a copy of these resolutions.

Adopted, March 2, 1893.

ACT OF 1893.

[California State Laws, 1893, ch. 182, p. 217.]

AN ACT To prevent compulsory prostitution of women, and the importation of Chinese or Japanese women for immoral purposes, and to provide penalties therefor.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Every person who, within this State, takes by inducement any female, against her will and without her consent, for the purpose of prostitution, is punishable by imprisonment in the state's prison not exceeding five years and a fine not exceeding one thousand dollars.

SEC. 2. Every person who takes any woman unlawfully and against her will, and by force, menace, or duress compels her to live with him in an illicit relation, against her consent, or to so live with any other person, is punishable by imprisonment in the state's prison not less than two nor more than four years.

SEC. 3. Every person bringing to, on landing within this State, any woman born in the Empire of China or Japan, or the islands adjacent to the Empire of China, with intent to place her in charge or custody of any other person, and against her will to compel her to reside with him, or for the purpose of selling her to any person whatsoever, is punishable by a fine not less than one nor more than five thousand dollars, or by imprisonment in the county jail not less than six nor more than twelve months.

SEC. 4. Any person who shall sell or receive any money or any valuable thing for or on account of his placing in custody any

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female for the purpose of causing her to cohabit with any other male or persons to whom she is not married, shall be guilty of a misdemeanor.

SEC. 5. Any person who shall purchase or pay any money or other valuable thing for any female for the purpose of prostitution, or for the purpose of placing her for immoral purposes in any house or place against her will, shall be fined not less than one thousand dollars nor more than five thousand dollars, and by imprisonment in the county jail for a period not less than one year, nor more than five years.

SEC. 6. Every person who shall sell any woman, or receive any money or other valuable thing for or on account of his placing in custody for immoral purposes any woman, with or without her consent, is punishable by imprisonment in the state's prison not exceeding five years, and a fine not exceeding one thousand dollars.

Approved, March 23, 1893.

ACTS OF 1901.

I.

[Statutes and Amendments to the Codes, California, 1901 (extra session, 1900), art. 266c, p. 448.]

266c. Every person bringing to, or landing within this State, any female person born in the Empire of China or the Empire of Japan, or the islands adjacent thereto, with intent to place her in charge or custody of any other person, and against her will to compel her to reside with him, or for the purpose of selling her to any person whomsoever, is punishable by a fine of not less than one nor more than five thousand dollars, or by imprisonment in the county jail not less than six nor more than twelve months.

II.

[Statutes and Amendments to the Codes, California, 1901 (extra session, 1900), ch. 186, p. 589.]

AN ACT Empowering boards of supervisors of any of the several counties of the State of California to levy a special tax for the purpose of displaying the products and industries of any county in the State at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State.

The people of the State of California, represented in senate and assembly do enact as follows:

SECTION 1. The boards of supervisors of the several counties within the State of California, or any of them, are hereby authorized and empowered to levy a special tax on the taxable property within their respective counties, for the purpose of creating a fund not exceeding ten thousand dollars in any one year in any one county, to be used for collecting, preparing, and maintaining an exhibition of the products and industries of the county at any domestic or foreign exposition, for the purpose of encouraging immigration and increasing trade in the products of the State of California; provided,

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the total tax levies for such purposes in any one year shall not exceed two cents on each one hundred dollars of taxable property in the county, according to the assessment roll.

Approved, March 23, 1901.

RESOLUTION OF 1901.

[Statutes and Amendments to the Codes, California, 1901 (extra session, 1900), ch. 17, p. 940.]

COMMITTEE SUBSTITUTE For senate resolutions Nos. 3, 4, and 5, relative to Chinese and Japanese immigration to the United States.

Whereas since the ratification of the convention between the United States and the Empire of China upon the subject of emigration from China to the United States, additional territory has been acquired by the United States as well through annexation as war; and in consequence grave uncertainty has arisen as to the rights and privileges of subjects of the Empire of China to emigrate to the United States; and

Whereas it is for the best interest of the State of California that our laborers be protected from the competition of Chinese, Japanese, and other alien pauper labor; and

Whereas His Excellency Henry T. Gage, governor of California, in his biennial message to the legislature, has directed attention to the necessity and importance of legislation by the Congress of the United States relative to Asiatic immigration; and

Whereas the "Chinese exclusion act," which has held in check the unlimited immigration of Chinese coolie labor to our shores, is about to expire by limitation: Therefore, be it

Resolved by the senate of the State of California and the assembly, jointly, That our Senators be instructed and our Representatives in Congress be requested to use their best endeavors to secure the passage by Congress of a suitable measure to prevent the immigration of Chinese and Japanese coolie labor, and of all other undesirable alien labor, to the end that our laborers shall not be brought in competition with any pauper labor; and be it further

Resolved, That the Senators and Representatives in Congress from the State of California are requested to press the passage of such measures as urgency legislation; further, be it

Resolved, That a copy of these resolutions be transmitted by mail by the secretary of the senate to each of our Members in Congress, to the President of the Senate of the United States, and the Speaker of the House of Representatives.

Adopted, February 11, 1901.

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COLORADO.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1861 (an act concerning aliens).—Under the act of 1861 aliens may take, hold, and bequeath real property as citizens. The personal estate of an intestate alien shall be distributed as that of a citizen.

Act of 1864 (an act to exclude traitors and alien enemies from courts of justice in civil cases).—An act was passed in 1864, provoked by dissensions and civil war, excluding from civil courts of justice persons regarded as traitors to the Union or alien enemies.

Act of 1872 (an act to create and provide for a board of immigration for Colorado).—By the act of 1872 a board of immigration is created consisting of five members who shall be appointed by the governor. The board shall "put into execution such measures as will best promote and encourage immigration to the Territory, and for this purpose it shall publish and disseminate useful information concerning the developed and undeveloped resources of the Territory." Terms of office shall be two years. Members shall receive compensation per diem for actual service, and also expenses. Subscriptions and donations shall be accepted and registered. The board may appoint agents. A competent citizen in each county may be appointed corresponding secretary.

Act of 1889 (an act to create a bureau of immigration and statistics and to provide for its government).—The act of 1889 creates a bureau of immigration and statistics and provides that the governor shall appoint a state superintendent of immigration for the performance of all duties pertaining to the encouragement and supervision of immigration. The superintendent shall "accumulate all information at his command relating to" the resources, productions, and advantages of the State. He shall make exhibits of the products and industries of the State at industrial expositions held in other States. All public officers shall cooperate in facilitating his work. The superintendent shall keep on exhibit samples of productions of the State. He shall maintain files of all publications issued in the State. Each county assessor is made county superintendent of immigration.

Act of 1889 (nonresident aliens).—The act of 1889 was passed to amend sections 1 and 5 and to repeal sections 4 and 6 of the law of 1887, enacted to prevent nonresident aliens from acquiring real estate in Colorado and for the forfeiture of such property hereafter acquired.

Act of 1891 (aliens).—The act of 1891 was intended to repeal the existing laws preventing nonresident aliens from acquiring real estate in Colorado and for the forfeiture of property acquired subsequently to the acts.

Act of 1897 (immigration bureau).—The act of 1897 repeals the laws enacted in 1889 and 1891 on the subject of immigration.

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Act of 1907 (indigent aliens).—An act was passed in 1907 to regulate state charitable institutions and to require reports of all alien indigents admitted to be transmitted at stated times to the state board of charities and corrections and the United States bureau of immigration.

Act of 1907 (immigration).—The act of 1907 empowered the boards of county commissioners to levy a special tax to promote immigration.

Revised statutes, 1908 (aliens).—The revised statutes of 1908 report laws enacted relating to property rights of aliens; reports of indigent aliens in state institutions; reports to be transmitted to the United States bureau of immigration; contract with the United States for deportation; fund for the deportation of indigent aliens; and the examination upon lunacy inquest as to nativity.

Act of 1909 (immigration board).—An act was passed in 1909 to establish a state board of immigration, for the employment of a commissioner of immigration and other employees, to provide for the safe-keeping and expenditure of public subscriptions, and to appropriate money to pay the expenses of the board. The purpose of the board is to properly advertise the resources and attractions of the State among the people of other States and nations, and to stimulate the increase of population and the development of the State by immigration and investments.

Act of 1909 (immigration).—The act of 1909 was passed to extend the life of incorporated companies organized to aid, encourage, and induce immigration to Colorado.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1861.

[Laws of Colorado, 1861, p. 57.]

AN ACT Concerning aliens.

Be it enacted by the council and house of representatives of Colorado Territory: All aliens residing in this Territory may take by deed, will, or otherwise, lands and tenements and any interest therein, and alienate, sell, assign, and transmit the same to their heirs or any other persons whether such heirs or other persons be citizens of the United States or not; and upon the decease of any alien having title to or interest in any lands or tenements, such lands and tenements shall pass and descend in the same manner as if such alien were a citizen of the United States; and it shall be no objection to any person having an interest in such estate that they are not citizens of the United States, but all such persons shall have the same rights and remedies, and in all things be placed on the same footing as natural-born citizens of the United States. The personal estate of an alien, dying intestate, who at the time of his death shall reside in this Territory, shall be distributed in the same manner as the estate of natural-born citizens, and all persons interested in such estate shall be entitled to their proper distributive shares thereof under the laws of this Territory, whether they are aliens or not.

This act shall take effect from and after its passage.

Approved, November 4, 1861.

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COLORADO STATUTES.

[Mills Annotated Statutes, Colorado, 1891, ch. 3, sec. 1–2507, A–I, p. 421.]

AN ACT Concerning aliens (approved Nov. 4, 1861).

99. Aliens, bona fide residents, may acquire, inherit, possess, enjoy, and dispose of property—descent—distribution. All aliens may take, by deed, will, or otherwise, lands and tenements and any interests therein, and alienate, sell, assign, and transmit the same to their heirs, or any other persons, whether such heirs or other persons be citizens of the United States or not, and upon the decease of any alien having title to, or interest in, any lands or tenements, such land and tenements shall pass and descend in the same manner as if such alien were a citizen of the United States; and it shall be no objection to any person having an interest in such estate that they are not citizens of the United States; but all such persons shall have the same rights and remedies, and in all things be placed on the same footing as natural-born citizens of the United States. The personal estate of an alien dying intestate who at the time of his death shall reside in this state shall be distributed in the same manner as the estate of natural-born citizens; and all persons shall be entitled to their proper distributive of shares of such estate under the laws of this State, whether they are aliens or not.—(L., 1861, p. 57; R. S., 1868, p. 45; amended, L., 1870, p. 43; G. L., 1877, p. 90, § 15; G. S., 1883, p. 132, § 61.)

ACT OF 1864.

[General Laws of the Legislative Assembly of the Territory of Colorado, 1864, p. 157.]

AN ACT To exclude traitors and alien enemies from courts of justice in this Territory in civil cases.

Be it enacted by the council and house of representatives of Colorado Territory:

SECTION 1. If at any time a defendant, or one of several defendants, in any civil case which is now or shall be hereafter pending in any court of record in this Territory, shall file in the office of the clerk of the court in which such cause is pending, the affidavit of such defendant, or of some credible person, stating that the person making such affidavit had good reason to believe, and does believe, that the plaintiff is not loyal to the Government of the United States, and shall serve upon the plaintiff or plaintiffs, if natural persons, or his or their attorney, a written notice objecting to the further prosecution of the suit on the ground of the disloyalty of the plaintiff, it shall be the duty of the court to arrest and stay all proceedings in the cause until such plaintiff shall make and subscribe before some officer authorized to administer oaths, and file, in such cause, an affidavit in the following form, to wit:

I, [here insert the name of the plaintiff] do solemnly swear that I will support the Constitution of the United States, and the organic act of the Territory of Colorado; that I will bear true faith and allegiance to the Government of the United States, any ordinance, resolution, or law of any State or Territory, or of any convention or legislature thereof to the contrary notwithstanding; that I have not since the [here insert the date of the passage of this act] knowingly aided, encouraged, countenanced, or assisted, nor will I hereafter, in any

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manner, aid, encourage, countenance, or assist, any person or persons in act of rebellion, nor the so-called Confederate States, nor any of them, in their rebellion against the Government of the United States; and this I do without any qualification or mental reservation whatsoever. So help me God.

And if the said plaintiff shall fail to make and file such affidavit within ten days after the giving of such notice, if a resident of the county, or within thirty days, if a resident of the Territory and not of the county, or if not a resident of the Territory, then within such further reasonable time as the court or a judge thereof shall determine, such cause shall thereupon be dismissed absolutely, and no other action or suit shall ever be maintained by such plaintiff, or his grantees, assigns, or representatives, for the same cause of action: *Provided*, That the time may, for cause shown, be enlarged by the court or the judge thereof, and that the court may relieve against any forfeiture, default, or dismissal of a cause arising from accident, mistake, or surprise: *And provided*, That when the plaintiff sues as a trustee or to the use of another, the oath may be taken by the person for whose benefit the action is prosecuted: *And provided further*, That where the plaintiff is a foreigner by birth, who has never been naturalized, nor declared his intention to become a citizen of the United States, he may make and file the following affidavit, in lieu of that hereinbefore prescribed:

I, [here insert the name] do solemnly swear that I will not at any time or in any manner, aid, encourage, countenance, or assist the so-called Confederate States, or any of them, in their rebellion against the Government of the United States, and that I will not, while a resident of the United States, or in the Territories thereof, knowingly commit, or aid, or assist in, or countenance, or encourage any act tending to subvert the Constitution or Gvernment thereof. So help me God.

SEC. 2. If a set-off shall be pleaded by the defendant in any civil suit, the plaintiff may at any time, by filing an affidavit and giving notice to the defendant as provided in section 1 to be filed and given by the defendant, and thereupon if the defendant shall fail to make and file a like oath within the respective times in said section above limited, such set-off shall be disregarded by the court, and the cause shall proceed as if the same had not been pleaded, and no suit shall ever be maintained by the said defendant, his grantees, representatives, or assigns for the same cause of action.

SEC. 3. No attorney, or counselor at law, or solicitor in chancery shall be permitted to practice in any of the courts of law or equity in this Territory until he shall have taken and filed in the office of the clerk of the supreme court or in the office of the clerk of the district court in which such attorney, counselor, or solicitor desires to practice, the oath prescribed by this act, and for every willful and intentional violation of the provisions of this section the person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than five hundred dollars nor more than two thousand dollars, for the use of the Territory.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, March 5, 1864.

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ACT OF 1870.

[General Laws of the Legislative Assembly of the Territory of Colorado, 1870, p. 49.]

AN ACT Amendatory of chapter eighteen of the Revised Statutes of Colorado concerning corporations.

Be it enacted by the council and house of representatives of Colorado Territory:

SECTION 1. That in addition to the companies or corporations which may now be formed or organized under the provisions of the act to which this is amendatory, any three or more persons may associate themselves together for the purpose of forming an incorporated company, for the purpose of aiding, encouraging, and inducing immigration to this Territory; and such company, when organized according to the provisions of this act, may purchase, acquire, hold, possess, sell, convey, and dispose of lands, town lots, and other property, whether real, personal, or mixed.

SEC. 2. Such incorporated companies shall be formed and organized in the same manner as required by section one of the chapter to which this act is amendatory; and the provisions of said chapter and all acts amendatory thereto shall apply to such incorporated companies, so far as the same are applicable; and such incorporated companies shall be invested with, and entitled to, the same powers, rights, and privileges as are other companies which have been and may be incorporated under such chapter, or any of the acts amendatory thereto.

SEC. 3. Any company formed and organized under the provisions of this act may continue in existence for the period of thirty years.

SEC. 4. That the said company may commence business as soon as its capital stock shall be fully subscribed; and that the same may be issued, in whole or in part, for the purchase of real estate and other property within this Territory; and the said company may create and issue its bonds or obligations secured by mortgage upon its property and franchises or otherwise, and dispose of the same upon such terms as to the company seem advantageous, and may make the principal and interest thereof payable at any or all of the offices of the company, and may exchange any portion of its lands or property for such bonds after the same have been duly issued.

Approved, February 11, A. D. 1870.

ACT OF 1872.

[Laws of Colorado, 1872, p. 137.]

AN ACT To create and provide for a board of immigration for Colorado Territory.

Be it enacted by the council and house of representatives of Colorado Territory:

SECTION 1. That a board of immigration is hereby created, which shall be composed of five members, to be appointed by the governor of said Territory.

SEC. 2. Said board shall meet at the territorial library, in the city of Denver, at 1 o'clock p. m., on the 20th day of February A. D.,

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1872, for the purpose of organization and the transaction of such business as may properly come before them; and other meetings may be held at such times as the board shall determine, and a majority of said board shall constitute a quorum for the transaction of business.

SEC. 3. Said board shall, before entering upon the duties of their office, take and subscribe an oath of office as now prescribed for territorial officers, and each member thereof shall give a bond with security, conditioned to faithfully perform the duties required by this act, said bond to be approved by the secretary of the territory and filed in the office of the secretary of the territory.

SEC. 4. It shall be the duty of said board to adopt and put in execution such measures as will best promote and encourage immigration to the Territory, and for this purpose it shall publish and disseminate such useful information as it can obtain concerning the developed and undeveloped resources of the Territory, and may provide for one of its number, or such other person as the board may select, to attend such agricultural and institute fairs as may be deemed expedient for the display of the agricultural and mineral products of the Territory.

SEC. 5. Said board shall, at its first meeting, elect from its members a president and a treasurer, who shall hold their offices for two years.

SEC. 6. The treasurer of said board shall, before entering on the duties of his office, give a bond to the Territory of Colorado in such sum as the board shall determine, but not less than ten thousand dollars, with two or more sureties, to be approved by the board, conditioned for the faithful performance of his duties, and to truly account for all moneys and property that may come into his hands as such treasurer, which shall be deposited with the secretary of the territory for safe-keeping.

SEC. 7. The president shall preside over all meetings of the board and call such special meetings as may be necessary, and he shall draw all warrants on the treasurer, which warrants shall be countersigned by the secretary.

SEC. 8. The sum of six thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the use of said board of immigration, to be expended in such manner as will best promote the objects of this act, and the territorial auditor is hereby authorized and required to draw his warrant upon the territorial treasurer in favor of said board of immigration for that amount, and said treasurer upon paying the same shall take a receipt from the treasurer of the board therefor, and in no case shall the Territory be bound to pay a larger amount of money than is hereby appropriated.

SEC. 9. Said board shall continue in office for two years, and in case of a vacancy in said board, caused by death, resignation, or absence from the Territory, or from inability of any member to perform the duties of his office, the same shall be filled by appointment by the governor.

SEC. 10. The members of the board shall receive for their services the sum of five dollars per day for each and every day actually en-

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gaged in meeting of the board and fifteen cents per mile for each mile necessarily traveled in going to and from such meetings.

SEC. 11. Said board is authorized to open books of subscription and solicit donations and contributions of money and other articles from corporations or persons willing to aid, or interested in the subject of immigration to the Territory, which sums of money, or articles so donated and contributed, shall be under the control of and expended or exhibited by said board for the purposes of carrying out the provisions of this act; and for the purpose of further carrying out the provisions of this act the board may appoint one or more of its members or such other person or persons as the board may determine upon as agents of the board to visit such places in this country as may be by them deemed best for the purpose of giving information of and encouraging immigration to the Territory: *Provided*, That in no case shall such agent be allowed any compensation except such reasonable sum as may be necessary to defray his actual traveling expenses.

SEC. 12. The territorial librarian shall be secretary of the board of immigration, and all regular meetings of said board shall be held in the territorial library.

SEC. 13. The said board shall make a full and complete report of its proceedings and expenditures to the next legislature within ten days of its first meeting.

SEC. 14. The county commissioners of each county of this Territory may appoint some competent citizen of their county to act as a corresponding secretary, whose duty it shall be to enter into correspondence with said board for the purpose of giving such useful information as he may be able to obtain in regard to the resources of his county, and it shall also be his duty to solicit and forward to said board such products of his county as may be desirable to be exhibited by said board; also to receive and give such information as is in his power to such persons as may be referred to him by said board.

SEC. 15. Said corresponding secretary shall, before entering upon the duties of his office, take and subscribe an oath to faithfully and truthfully represent his county in correspondence with said board, which said oath shall be filed with the county clerk and a copy thereof sent to the secretary of the board. Said corresponding secretary shall receive for his services such reasonable compensation as may be allowed by the county commissioners to be paid out of the county fund.

SEC. 16. The secretary of said board shall be allowed such compensation as said board may deem just, not to exceed seven hundred dollars, to be paid by the board out of the immigration fund.

SEC. 17. And to more fully carry out the purposes of this act, the governor is authorized to designate agents resident in any country in Europe, in order that such agents may cooperate with said board in disseminating information and encouraging emigration to the Territory.

SEC. 18. This act shall take effect and be in force from and after its passage.

Approved, February 9, 1872.

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ACT OF 1887, AS AMENDED.

AN ACT Preventing nonresident aliens from acquiring real estate in Colorado, and for the forfeiture of such property hereafter acquired to the State (approved Apr. 2, 1887; in force, July 2, 1887).

100. That from and after the passage of this act nonresident aliens, and corporations or syndicates organized under the laws of any foreign government, shall be forever prohibited from acquiring the title to, or any use, interest, or benefit in any body or tract of agricultural, arid, or range land within the State of Colorado, where such body or tract of land in compact form exceeds in any instance two thousand (2,000) acres. (L., 1887, p. 24, § 1; amended, L., 1889, p. 272, § 1.)

101. When any such lands, use, interest, or benefit therein shall, in violation of the intent of this act, be acquired, or purport to be acquired, upon notice thereof, in any form, to the attorney-general, it shall be his duty to cause proceedings to be instituted in the district court of the proper county or counties, to cause the same to be forfeited to the people of the State of Colorado. (L., 1887, p. 25, § 2.)

102. To such proceedings the nonresident alien, whose claim is to be inquired into and affected, shall be made a party, and all persons having liens, trusts, or encumbrances shall also be made parties, and upon forfeiture of any such lands or interest therein, the lawful claims of any such party not being a nonresident alien, shall be protected, and the decree shall provide for the sale of the interest sought to be forfeited in such form and under such terms as is usual in decrees in chancery, so as to provide for the payment of any lawful money liens, and for the enforcement of any valid trust and the securing of any rightful estate lawfully held, subject, however, in all cases to the forfeiture of the interest of all nonresident aliens, and with the proviso that the State shall not be liable for the payment of any liability in excess of the fund. (L. 1887, p. 25, § 3.)

103. This act shall not be so construed as to prevent any nonresident alien, or corporation or syndicate organized under the laws of any foreign government from acquiring the title to lands within the limits of any incorporated town or city in this State, or from acquiring the title to and possessing and working any of the mines in this State, or from engaging in any industry in this State, to the same extent as citizens or residents of the United States or this State, save and except only as limited by the provisions of section 1 of this act. (L., 1887, p. 25, § 5; amended, L., 1889, p. 273, § 2; L., 1887, p. 25, §§ 4 and 6 are repealed by L., 1889, p. 273, § 3.)

ACTS OF 1889.

I.

[Laws of the General Assembly of the State of Colorado, 1889, p. 189.]

AN ACT To create a Bureau of Immigration and Statistics, and to provide for the government thereof.

Be it enacted by the general assembly of the State of Colorado:

SECTION 1. There is hereby established a separate and distinct department, to be known as the "Bureau of immigration and statis-

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tics of the State of Colorado," which department shall be charged with the performance of all duties pertaining to and in relation to the encouragement of immigration and governing the same in the State.

SEC. 2. The governor shall appoint, by and with the advice and consent of the senate, on or before the first day of April, 1889, the chief officer of said bureau, who shall be well versed in the collection of statistics and matter pertaining thereto, and be known and styled "State superintendent of immigration," and said superintendent shall hold his office for the term of two years from the date of his appointment, and until his successor is appointed and duly qualified, and shall receive a salary of three thousand dollars per annum, and reasonable traveling expenses, not exceeding, however, five hundred dollars in any one year, payable monthly.

SEC. 3. The office of said superintendent shall be in the city of Denver, and he may appoint a clerk as assistant, at a salary not to exceed fifteen hundred dollars per year. Said office shall be deemed a public office, and the records, books, and papers thereof, or on file therein, shall be deemed public records of the State. All books and documents, and all other papers whatever, in the office of said superintendent shall be transferred by him to his successor in office, who shall give him a receipt for the same. The secretary of state shall provide suitable rooms in the city of Denver for the use of said bureau, and shall furnish the necessary fuel, lighting, and appurtenances to said office at an annual expense not to exceed three thousand dollars per annum.

SEC. 4. The superintendent of immigration shall, within ten days after receiving his appointment, and before entering upon the discharge of his duties, take and subscribe to the oath required by the constitution, and shall give bonds to the State of Colorado in the sum of five thousand dollars to be approved by the governor, conditioned for the faithful and impartial discharge of his duties, which oath and bond shall be filed in the office of the secretary of state.

SEC. 5. It shall be the duty of said superintendent to accumulate all information at his command relating to the agricultural, horticultural, wool growing, and manufacturing industries; also the gold, silver, lead, copper, iron, coal, stone, marble, lime, and cement, and oil products; the assessed value of property and population of the State; the number of horses, mules, sheep, swine, cattle, and other animals, and the value of the same; the number of colleges, universities, schoolhouses, churches, and other public buildings; the number of miles of railroad and the number of miles of irrigating ditches, and the amount of land covered by them; the number of acres of land under cultivation; the amount of public and school lands; the kinds of grasses, grain, and fruits that can be successfully grown; character of soil, timber, and climate; the amount of capital employed in mercantile, manufacturing, agricultural, stock growing, mining, and other business pursuits, and the average amount of wages paid laborers, miners, farmers, mechanics, and artisans per day, week, and month, and such other information concerning them as the superintendent may deem expedient. It shall be the duty of the state superintendent

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of immigration to make, or cause to be made, exhibits of the products and industries of the State at such industrial exhibitions held in other States as the governor of this State may direct, the expense of such exhibits to not exceed the sum of six thousand dollars in any one year; and, in order to enable the superintendent to secure the above required information, he is hereby clothed with power to call upon officers of States, county assessors, superintendents of public instruction, and other officers for such information as he may require and of value to his department.

SEC. 6. It shall be the duty of the state superintendent to keep in his office, for exhibit, samples of the production of the State, including grains, grasses, fruits, vegetables, minerals, manufactured articles and other products, as they may be contributed by the counties, without expense to the State, the same to be arranged by counties, each county to receive due credit therefor; to cause to be published and distributed such pamphlets, circulars, cards, and maps, and to publish, from time to time, through the public press, such information as will tend to disseminate a knowledge of the resources of the State; to facilitate the ingress of immigration by securing, as he may be able, low rates of transportation favorable to immigrants; to answer any and all inquiries from whatever source seeking information relative to the resources of the State; to correspond with agents of bureaus of immigration of other States, and invite the cooperation of railroads and other corporations looking to the settlement of the State and the develpment of its material resources.

SEC. 7. The county assessor of each county is hereby made county superintendent of immigration ex officio, whose duty it shall be to furnish all information at his command required by the state superintendent; to distribute all printed matter sent him, and generally attend to the duties of the county superintendent of immigration within their respective counties. He shall be entitled to a reasonable compensation for his services, to be fixed and paid by the commissioners of the county.

SEC. 8. The state superintendent of immigration shall supply from his office all printed matter and stationery required by the county superintendents.

SEC. 9. The superintendent of immigration is hereby authorized, with the approval of the governor, to draw upon the funds appropriated by this act, from time to time, to defray the necessary expenses of his office; and the state auditor is hereby required to issue his warrant on the state treasurer for such expenses as they may accrue; and in all accounts rendered or presented for payment, on account of the immigration bureau, the superintendent shall be required to make vouchers in duplicate, one of which shall be filed in his office.

SEC. 10. County superintendents of immigration and county superintendents of public instruction shall, on or before the first day of October of each year, transmit to the state superintendent a full and complete report of all matters of interest and information required by this bureau, and the state superintendent shall, on or before the first day of January, transmit to the governor a full and complete report of the doings of his office, including a tabulated statement of all statistics accumulated in his office, and a detailed and itemized

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account of the expenses thereof; and the superintendent, with the approval of the governor, shall cause to be published in proper form, as many of said reports as they may deem advisable for general distribution, and shall transmit copies thereof to the general assembly at each general session.

SEC. 11. The state superintendent is hereby required to subscribe and pay for, at the regular rates, one copy of each weekly newspaper and one copy of each monthly periodical published in this State, and keep the same on file in his office for the use of the public, under such regulations as he may prescribe.

SEC. 12. The said bureau shall cause to be prepared a map of the State of Colorado, not less than 30 by 36 inches in size, distinctly and correctly showing thereon the location of public lands of the State, the position of all known mineral and metallurgic deposits, the lines of irrigation ditches, lines of transportation, and such other details as shall convey an intelligent representation of the economic features, resources, and conditions of the State of Colorado; and the bureau may cause to be published for gratuitous distribution as many copies of said map as they may deem proper and necessary.

SEC. 13. All fees collected by the state board of land commissioners, as authorized in section 6 of an act entitled "An act to create the office of register of the state board of land commissioners, to prescribe the powers and duties of said board, and providing for the leasing, sale, and management of the state lands, and repealing other acts upon the same subject," approved April 2, 1887, shall be paid into the state treasury, and credited to the account which shall be kept by the state treasurer, and also by the auditor of state, to be known as the "Bureau of immigration fund" or account. All such payments shall be reported to the auditor of state by the register of the state board of land commissioners.

SEC. 14. For the purpose of carrying out the provisions of this act there is hereby appropriated, out of the bureau of immigration fund, or any funds in the State treasury not otherwise appropriated, the sum of twenty thousand dollars, of which sum ten thousand dollars shall be available for the year 1889 and the sum of ten thousand dollars for the year 1890.

SEC. 15. Whereas there is urgent need of said statistics; therefore, in the opinion of the general assembly, an emergency exists, and this act shall be in force from and after its passage and approval.

Approved, April 20, 1889.

II.

[Colorado State Laws, 1889, p. 272.]

AN ACT To amend sections 1 and 5 and to repeal sections 4 and 6 of an act entitled "An act preventing nonresident aliens from acquiring real estate in Colorado, and for the forfeiture of such property hereafter acquired to the State," approved April 2, 1887.

Be it enacted by the general assembly of the State of Colorado:

SECTION 1. That section 1 of an act entitled "An act to prevent nonresident aliens from acquiring real estate in Colorado, and for the forfeiture of such property hereafter acquired to the State,"

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approved April 2, 1887, be, and the same is hereby, amended so as to read as follows:

SECTION 1. That from and after the passage of this act nonresident aliens, and corporations or syndicates organized under the laws of any foreign government, shall be forever prohibited from acquiring the title to, or any use, interest, or benefit in any body or tract of agricultural, arid, or range land within the State of Colorado, where such body or tract of land in compact form exceeds in any instance two thousand acres.

SEC. 2. That section 5 of said act be, and the same is hereby, amended so as to read as follows:

SEC. 5. This act shall not be so construed as to prevent any nonresident alien, or corporation or syndicate organized under the laws of any foreign government, from acquiring the title to lands within the limits of any incorporated town or city in this State, or from acquiring the title to and possessing and working any of the mines in this State, or from engaging in any industry in this State to the same extent as citizens or residents of the United States or this State, save and except only as limited by the provisions of section 1 of this act.

SEC. 3. That sections 4 and 6 of said act be, and the same are hereby, repealed.

Approved, April 18, 1889.

ACT OF 1891.

[Colorado State Laws, 1891, p. 20.]

AN ACT To repeal certain acts preventing nonresident aliens from acquiring real estate in Colorado, and for the forfeiture of such property acquired subsequently to said acts.

Be it enacted by the general assembly of the State of Colorado:

SECTION 1. That an act entitled "An act preventing nonresident aliens from acquiring real estate in Colorado, and for the forfeiture of such property hereafter acquired to the State," approved April 2, 1887, and also an act entitled "An act to amend sections 1 and 5, and to repeal sections 4 and 6, of an act entitled 'An act preventing nonresident aliens from acquiring real estate in Colorado, and for the forfeiture of such property hereafter acquired to the State, approved April 2, 1887,' approved April 18, 1889," be, and the same are hereby, repealed.

Approved, April 1, 1891.

ACT OF 1897.

[Colorado Laws, 1897, ch. 56, p. 174.]

AN ACT To repeal an act entitled "An act to create a bureau of immigration and statistics and to provide for the government thereof," approved April 20, 1889, the same being Chapter LXIV, entitled "Immigration," of Mills' Annotated Statutes, and to repeal section 2 of an act entitled "An act to encourage and promote the organization of agricultural and mechanical fair associations in the State of Colorado," approved April 6, 1891, the same being general section 1862-B of Mills' Annotated Statutes.

Be it enacted by the general assembly of the State of Colorado:

SECTION 1. An act entitled "An act to create a bureau of immigration and statistics and to provide for the government thereof," approved April 20, 1889, the same being Chapter LXIV, entitled

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"Immigration," of Mills' Annotated Statutes, and also section 2 of an act entitled "An act to encourage and promote the organization of agricultural and mechanical fair associations in the State of Colorado," approved April 6, 1891, the same being general section 1862–B of Mills' Annotated Statutes, be, and the same are hereby, repealed.

SEC. 2. In the opinion of the general assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved, March 16, 1897.

ACT OF 1907.

[Sessions Laws of Colorado, 1907, ch. 2, p. 30.]

AN ACT To require superintendents of public hospitals, poor farms, county hospitals, insane asylums, or other public institutions kept and supported for caring for persons who have become public charges, to make reports to the state board of charities and corrections of the State of Colorado of all indigent persons who are committed to any such institution, which indigent persons are subjects of foreign countries, and to require the secretary of the state board of charities and corrections to make reports thereof to the United States Bureau of Immigration, situate at Denver, Colo., and to make appropriations for the purpose of carrying into effect the provisions of this act.

Be it enacted by the general assembly of the State of Colorado:

SECTION 1. That immediately upon the passage of this act and within thirty days after the same shall take effect it shall be, and is hereby, made the duty of the superintendents of all public hospitals, county poor farms, county hospitals, insane asylums, or other public institutions kept and supported by public funds for caring for persons who have become public charges of this State, to make a report to the state board of charities and corrections of the State of Colorado, in writing, of all indigent persons committed to any such institution, which said indigent persons are subjects of foreign countries, or what is known as diseased and dependent aliens under act of Congress approved March 3, 1903. Such report shall include the name, the nativity, the age, the time of arrival in the United States, upon what steamer and name of steamship line, at what port of entry, on or about the date of arrival in the United States, what date they were admitted to any such public institution, the cause of their commitment to such institution, and, if insane, shall include the certificate of the examining physician.

And hereafter it shall be the duty of each of said superintendents of any of said institutions named in this act, immediately upon and within thirty days after the incarceration of any such indigent persons in any such institutions, to make like reports to the state board of charities and corrections of the State of Colorado of all such cases. Immediately upon the passage of this act it shall be the duty of the secretary of the state board of charities and corrections to provide suitable blanks for superintendents' reports, as provided in this section of this act, together with blanks for physicians' certificates concerning insane persons who are foreigners or subjects of foreign countries incarcerated in such institutions.

SEC. 2. Immediately upon the receipt of any such reports from the superintendents of such public hospitals, poor farms, county hospitals, insane asylums, or other public institutions kept and supported for caring for persons who have become public charges, it

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shall be the duty of the secretary of the state board of charities and corrections to make separate reports thereof for each individual person so incarcerated in said institution to the United States Bureau of Immigration of Denver, Colorado, and if any such persons are liable to deportation from the United States under act of Congress approved March 3, 1903, and the United States Bureau of Immigration shall so hold, and in case any such persons subject to deportation shall become public charges for causes arising subsequent to landing in the United States, the state board of charities and corrections shall cause to be issued an order upon the auditor of state for any warrant upon the fund provided for in this act in sufficient amount to pay the expense of delivery of any such public charge or indigent alien at the seaport from which deportation is to take place, and thereupon any such alien shall be delivered to the United States Bureau of Immigration at the seaport from which deportation is to take place for deportation, as provided in said act of Congress.

SEC. 3. It shall be the duty of the state board of charities and corrections immediately upon the passage of this act to enter into an agreement with the United States Bureau of Immigration at Denver, Colorado, providing for the deportation and payment of the maintenance of indigent, diseased, and dependent aliens, as provided in act of Congress approved March 3, 1903.

SEC. 4. That for the purpose of carrying into effect this act there is hereby appropriated out of any public funds in the hand of the state treasurer the sum of fifteen hundred dollars, or so much thereof as may be necessary for that purpose, the same to be known as a fund for the deportation of indigent aliens. All moneys paid to the state board of charities and corrections by the United States, as provided in said act of Congress, shall be paid to the treasurer of the State of Colorado and by him kept in said fund.

SEC. 5. It shall be the duty of every county court of this State or other court upon whose order insane or lunatic persons are committed to any of the state institutions mentioned in section 1 of this act to make diligent inquiry upon examination of such persons as may have knowledge of all facts concerning the nativity of persons so committed, and if found to be alien, whether same are naturalized or unnaturalized, and if found not to be naturalized, all the facts provided for in the report of superintendents to the state board of charities and corrections, as provided in section 1, and certify to such facts so found to the said superintendent of any such institution wherein committed.

SEC. 6. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved, April 9, 1907.

REVISED STATUTES, 1908.

[Revised Statutes of Colorado, 1908, p. 1190.]

SEC. 16. At such points or places or on such lines of travel as there may be danger of the introduction into this State of cholera or other dangerous communicable diseases, the state board of health shall have power to establish such systems of inspections as may be practicable

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and needful to ascertain the presence of the infection of cholera or other dangerous communicable diseases in the persons of immigrants or travelers, in wearing apparel, baggage, or freight; to question on oath, without cost to the State or person so questioned, which oath a duly appointed inspector of the state board of health is hereby authorized to administer to the immigrant, traveler, or other person, as to place from which the suspected person, baggage, or freight came, the time elapsed since his or its exposure to cholera or other dangerous disease, and on other subjects on which information is needed; and the state board of health shall have power to order such disinfection of baggage or other articles which are infected or liable to be infected, and to cause such isolation of persons or things infected or liable to be infected, as may be necessary for the public safety, by placing it or them in the care of the local board of health, or by other practicable methods, to the end that the objects of this act, expressed by its title, shall be fulfilled. (L., 1893, p. 402, § 17.)

(The title of the act referred to is "An act to create a state board of health, and to define its powers and duties, to make an appropriation therefor, and to provide for the punishment of violations thereof, and to repeal all laws in conflict therewith.")

[Revised Statutes of Colorado, 1908, p. 442.]

SEC. 36. The boards of county commissioners of the several counties within the State of Colorado, or any of them, are hereby authorized and empowered to levy a special tax on the taxable property within their respective counties for the purpose of creating a fund not exceeding ten thousand dollars in any one year to be used for advertising the county for the purpose of encouraging immigration and increasing trade in the products of the State of Colorado, provided the total tax levies for such purpose in any one year shall not exceed one-fifth of one mill on each dollar of taxable property according to the assessment roll: And provided further, That the moneys appropriated under this act shall be expended only under the direction of regularly organized and incorporated boards of trade, chambers of commerce, or commerical associations, either State or local in character. (L., 1907, p. 320, § 1.)

[Revised Statutes of Colorado, 1908, c. 3, p. 205.]

SEC. 1. All aliens may take, by deed, will, or otherwise, lands and tenements and any interest therein, and alienate, sell, assign, and transmit the same to their heirs, or any other person, whether such heirs or other persons be citizens of the United States or not, and upon the decrease of any alien having title to or interest in any lands or tenements, such lands and tenements shall pass and descend in the same manner as if such alien were a citizen of the United States; and it shall be no objection to any person having an interest in such estate that they are not citizens of the United States; but all such persons shall have the same rights and remedies and in all things be placed on the same footing as natural-born citizens of the United States. The personal estate of an alien, dying intestate, who at the time of his death shall reside in this State shall be distributed in the same manner as the estate of natural-born citizens; and all persons shall be entitled to their proper distributive shares of such estate

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under the laws of this State, whether they are aliens or not. (G. S., § 61; G. L., § 15; L., 1870, p. 43; amending R. S., p. 45, § 1; L., 1861, p. 57, § 1; *see also* section 7045; *see* Constitution, art. 2, sec. 27.)

SEC. 2. That immediately upon the passage of this act and within thirty days after the same shall take effect it shall be, and is hereby, made the duty of the superintendents of all public hospitals, county poor farms, county hospitals, insane asylums, or other public institutions kept and supported by public funds for caring for persons who have become public charges of this State, to make report to the state board of charities and corrections of the State of Colorado, in writing, of all indigent persons committed to any such institution which said indigent persons are subjects of foreign countries, or what is known as diseased and dependent aliens under act of Congress, approved March 3, 1903, such report shall include the name, the nativity, the age, the time of arrival in the United States, upon what steamer, and name of steamship line, at what port of entry, on or about the date of arrival in the United States, what date they were admitted to any such public institution, the cause of their commitment to such institution, and if insane, shall include the certificate of the examining physician.

And hereafter it shall be the duty of each of said superintendents of any of said institutions named in this act immediately upon and within thirty days after the incarceration of any such indigent persons in any such institutions to make like reports to the state board of charities and corrections of the State of Colorado of all such cases. Immediately upon the passage of this act it shall be the duty of the secretary of the state board of charities and corrections to provide suitable blanks for superintendents' reports as provided in this section of this act, together with blanks for physicians' certificates concerning insane persons who are foreigners or subjects of foreign countries incarcerated in such institutions. (L. 1907, p. 30, §1.)

(The act of Congress referred to in this act is found in Part I of vol. 32, U. S. Stat. L., p. 1213.)

SEC. 3. Immediately upon the receipt of any such reports from the superintendents of such public hospitals, poor farms, county hospitals, insane asylums, or other public institutions kept and supported for caring for persons who have become public charges, it shall be the duty of the secretary of the state board of charities and corrections to make separate reports thereof for each individual person so incarcerated in said institution to the United States bureau of immigration of Denver, Colorado, and if any such persons are liable to deportation from the United States under act of Congress approved March 3, 1903, and the United States bureau of immigration shall so hold, and in case any such persons subject to deportation shall become public charges for causes arising subsequent to landing in the United States, the state board of charities and corrections shall cause to be issued an order upon the auditor of state for any warrant upon the fund provided for in this act in sufficient amount to pay the expense of delivery of any such public charge or indigent alien at the seaport from which deportation is to take place, and thereupon any such alien shall be delivered to the United States bureau of immigration at the seaport from which deportation

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is to take place, for deportation as provided in said act of Congress. (L. 1907, p. 31, §2.)

SEC. 4. It shall be the duty of the state board of charities and corrections immediately upon the passage of this act to enter into an agreement with the United States Bureau of Immigration at Denver, Colorado, providing for the deportation and payment of the maintenance of indigent, diseased, and dependent aliens as provided in act of Congress approved March 3, 1903. (L. 1907, p. 32, §3.)

SEC. 5. That for the purpose of carrying into effect this act there is hereby appropriated out of any public funds in the hands of the state treasurer the sum of fifteen hundred dollars, or so much thereof as may be necessary for that purpose, the same to be known as a fund for the deportation of indigent aliens. All moneys paid to the state board of charities and corrections by the United States as provided in said act of Congress shall be paid to the treasurer of the State of Colorado and by him kept in said fund. (L. 1907, p. 32, §4.)

SEC. 6. It shall be the duty of every county court of this State, or other court upon whose order insane or lunatic persons are committed to any of the state institutions mentioned in section 1 of this act, to make diligent inquiry, upon examination, of such persons as may have knowledge of all facts concerning the nativity of persons so committed, and if found to be alien, whether same are naturalized or unnaturalized, and if found not to be naturalized, all the facts provided for in the report of superintendents to the state board of charities and corrections as provided in section 1, and certify to such facts so found to the said superintendent of any such institution wherein committed. (L. 1907, p. 32, §5.)

(Section 1 referred to is sec. 120.)

ACTS OF 1909

I.

[Session Laws of Colorado, 1909, ch. 59, p. 163.]

AN ACT To establish a state board of immigration for the employment of a commissioner of immigration and other employees, to provide for the safe keeping and expenditure of public subscriptions, and to appropriate money to pay the expenses of the board of immigration.

Be it enacted by the general assembly of the State of Colorado:

SECTION 1. That for the purpose of properly advertising the resources and attractions of the State of Colorado among the people of other States and nations, so that by immigration and investments the development of the State may be stimulated and its population increased, a commission is hereby created to be known as "The Colorado State Board of Immigration," which shall consist of four persons.

SEC. 2. Three members of the board shall be appointed by the governor of the State, with the advice and consent of the senate, and the governor of the State shall be ex officio a member of the board, and the president thereof. The three members of the board appointed by the governor shall at their first meeting after the passage of this act designate one of their number, by lot, whose term of office

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shall expire April 1, 1910; one whose term of office shall expire April 1, 1912; and one whose term shall expire April 1, 1914. Appointments of members of the board shall be made as their terms of office expire, by the governor, with the advice and consent of the senate, and the term of office shall be six years. The governor, with the advice and consent of the senate, shall fill any vacancies in the board which may occur by reason of death, resignation, removal, or inability to act, and the person so appointed to a vacancy shall fill out the unexpired term. The board may, by a vote of a majority of all its members, declare vacant the office of any member who shall, without due explanation or cause, fail to attend three consecutive regular or called meetings of the board, or who shall remove permanently from the State of Colorado.

SEC. 3. The board shall elect, by the vote of a majority of all its members, a commissioner of immigration, who shall be a man well versed in the resources, attractions, and possibilities of the State of Colorado. It shall be the duty of the commissioner, under the guidance and direction of the board, to act as secretary of the board, to collect reliable information and statistics regarding agriculture, stock growing and feeding, horticulture, mining, manufacturing, climate, and health in Colorado, and to publish the same with a view of attracting health seekers, tourists, investors, and prospective settlers to the State; to prepare and cause to be circulated, books, pamphlets, leaflets, and other literature, illustrated or otherwise, regarding Colorado and the various localities of the State; to personally visit the various localities of the State, investigate the resources and possibilities thereof, and stimulate their proper advertising and exploitation; to personally and by deputies and employees visit other States and there distribute advertising matter, call personally upon intending investors, visitors, or immigrants, install exhibits of Colorado views and products, give lectures upon Colorado, and in general, further the advertising of Colorado. The board may, at its discretion, instruct the commissioner to insert advertisements in one or more newspapers, books, or periodicals, published in the State, or elsewhere, setting forth the advantages of Colorado. The board and its commissioners, unless the legislature shall establish special boards for that purpose, shall take charge of the exhibitions of Colorado products at international or national expositions or world's fairs, in this and other countries. The commissioner shall hold office at the pleasure of the board and may be removed at any time by a vote of not less than a majority of all the members of the board at any regularly called or regular meeting.

SEC. 4. The members of the board shall receive no salary or per diem, but shall be compensated for their traveling and other necessary expenses incurred in attending meetings and in carrying on the work of the board. The commissioner shall be paid at the rate of three thousand six hundred dollars per annum, payable monthly. The board may also engage one or more deputies, clerks, or other employees for work in this State and elsewhere, with or without salary.

SEC. 5. The secretary of state shall designate and assign to the said board and the commissioner of immigration a suitable office room in the capitol building and shall provide furniture therefor.

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SEC. 6. Regular meetings of the said board shall be held in the capitol building in Denver upon the first Wednesday in the months of January, April, July, and October of each year, beginning at 10 o'clock a. m. The president of the board may call meetings at other times and places when it shall be deemed necessary.

SEC. 7. There is hereby established an immigration fund in the treasury of the State of Colorado of which fund the auditor of the State shall keep a separate and distinct account. The board created by this act may solicit and receive cash contributions for the purpose of furthering the general or special advertising of the State. Such contributions shall be paid to the treasurer of the State, who shall give the contributor or donor his receipt therefor. Any appropriations made under or in furtherance of this act shall be made a part of the immigration fund. No warrants shall be drawn upon said immigration fund except upon the written order of the president of the said Colorado State board of immigration attested by the secretary thereof, the same having been previously authorized by the board.

SEC. 8. Forty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act. Said appropriation is to be made for the years 1909 and 1910, commencing April 1, 1909, one-half of said amount to be used during the first year and one-half during the second year.

SEC. 9. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved, May 5, 1909, at 3.05 p. m.

II.

[Session Laws of Colorado, 1909, ch. 173, p. 414.]

AN ACT To extend the corporate life of certain incorporated companies organized to aid, encourage, and induce immigration to Colorado Territory.

Be it enacted by the general assembly of the State of Colorado:

SECTION 1. That any incorporated company organized in Colorado Territory under the Revised Statutes of 1868 as amended by "An act amendatory of chapter eighteen of the Revised Statutes of Colorado concerning corporations," approved February 11, A. D. 1870, for the purpose of aiding, encouraging, and inducing immigration to Colorado Territory, commonly known as colony companies or colonial companies, which have heretofore caused their original corporate life to be renewed pursuant to the requirements of "An act to amend chapter nineteen of the General Statutes of the State of Colorado entitled 'Corporations' by adding thereto a section concerning the renewal of corporations, to be numbered section one hundred and sixty-one," approved April 20, 1889, shall be permitted, and it is hereby permitted to extend its corporate life until the 1st day of January, A. D. 1929, on condition that on or prior to the 1st day of July, A. D. 1909, the board of directors or trustees of such company shall cause to be filed in the office of the secretary of state a certifi-

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cate under its corporate name signed by its president and attested by its secretary under its corporate seal and verified by the affidavit of its president and secretary, showing following facts:

First. That such company was originally organized under the acts of Colorado Territory aforesaid;

Second. That one of its objects as shown by its original certificate of incorporation was for the purpose of aiding, encouraging, and inducing immigration to the Territory of Colorado;

Third. That said company actually did prosecute said object;

Fourth. That said company regularly renewed its corporate life for a period of twenty years pursuant to the above-mentioned act approved April 20, 1889;

Fifth. That said company still maintains its organization, with a board of directors or trustees, a president and secretary, and has continuously so maintained its organization and incorporation; on the further condition that it shall pay to the secretary of state a fee of twenty-five dollars for the use of the general fund of the State of Colorado; and on the further condition that promptly on filing said certificate with the secretary of state it shall cause a certified copy thereof prior to the 15th day of July, A. D. 1909, to be filed for record in the office of the county clerk and recorder of the county where its principal business has been carried on.

SEC. 2. Any incorporated company of the class or character stated in section 1 hereof, upon conforming to the conditions of said section shall continue to be a corporation vested with its original powers until the 1st day of January, A. D. 1929.

SEC. 3. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved, May 5, 1909.

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CONNECTICUT.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1845.—Under the act of 1845 aliens are empowered to acquire, hold, and transmit real property upon declaration of intention to become a citizen.

Act of 1846.—The act of 1846 confirms the titles to property made by or to aliens.

Act of 1848.—The act of 1848 removes from aliens resident in the United States any disqualification to acquire, hold, or transmit real estate.

Act of 1848.—This act of 1848 confers upon aliens the right to acquire and hold land by devise or inheritance.

Act of 1853 (authorizing appropriation for removal of colored persons to Liberia).—The act of 1853 appropriates $1,000 to assist in defraying the expenses of "such colored persons, inhabitants of this State, of industrious habits and good moral character, as may choose to emigrate to Liberia."

Act of 1855 (an act in addition to an act relating to courts).—Under the act of 1855 aliens are not permitted to declare intentions or be made citizens in any of the State courts.

Act of 1857 (an act in addition to an act concerning lands).—The act of 1857 empowers nonresident aliens to acquire and hold real estate for mining purposes.

Act of 1865 (an act to encourage the importation of laborers).—Contracts made by emigrants pledging their wages in repayment of expenses of immigration shall be valid in case it does exceed one-half of his regular wage. Advances made for expenses shall constitute a lien on the wages of immigrants failing to fulfill their contract.

Act of 1866 (an act providing for the support of paupers).—Under act of 1866 no person without the consent of the community shall become a resident of a town in the State unless a resident of the United States. Meetings shall be called for the admission of inhabitants. Six years' residence without public aid gains a right of residence. Persons who become a public charge may be removed by the town to their place of legal settlement. Bringing paupers into the State is prohibited.

Act of 1895 (an act concerning Italian or other alien laborers).—The commissioner of the bureau of labor statistics is authorized to appoint competent persons to inform alien laborers of their rights. A penalty is provided against retaining wages of foreigners without adequate consideration.

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IMMIGRATION AND ALIEN LAWS.

ACT OF 1845.

[Connecticut State Laws, 1845, c. 3, p. 4.]

AN ACT Concerning foreigners.

Be it enacted by the senate and house of representatives in general assembly convened,

SEC. 1. That any alien who shall have duly declared his intention to become a citizen of the United States in the manner prescribed by law and who shall thereafter have resided in this State for the term of one year shall be authorized and empowered to hold, convey, and transmit, by grant, devise, descent, or otherwise, real estate in this State to as full an extent as if he were a native citizen thereof.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved, June 7, 1845.

ACT OF 1846.

[Connecticut State Laws, 1846, c. 28, p. 25.]

AN ACT In addition to an act entitled "An act concerning lands."

Be it enacted by the senate and house of representatives in general assembly convened, That all conveyances and transfers of real estate in this State, or any interest therein, by deed, devise, or otherwise, heretofore made to any foreigner not authorized by law to hold real estate, and all conveyances and transfers of the same by such foreigner, be and the same hereby are confirmed to such foreigner, his heirs and assigns, and made effectual to all intents and purposes as though such foreigner had been a native-born citizen: *Provided,* That this act shall not affect any suit now pending.

Approved, June 4, 1846.

ACTS OF 1848.

I.

[Connecticut State Laws, 1848, c. 56, p. 47.]

AN ACT In addition to an act entitled "An act concerning lands."

Be it enacted by the senate and house of representatives in general assembly convened,

SEC. 1. That any woman who is an alien and the wife of a man by law capable of holding land in this State shall be capable of taking and holding land in this State by devise or inheritance, and shall be entitled to dower in the estate of her deceased husband. And the child or children, or other lineal descendants, or any person capable of holding land in this State, shall be entitled to take and hold such land as heir or heirs at law of such ancestor, whether such child, children, or lineal descendants are or are not natives of the United States in the same manner as if they were citizens of the United States.

Approved, June 22, 1848.

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II.

[Connecticut State Laws, 1848, c. 15, p. 15.]

AN ACT In respect to aliens.

Be it enacted by the senate and house of representatives in general assembly convened, That no person shall be disqualified by reason of his being an alien from purchasing, holding, inheriting, or transmitting real estate in this State in as full and ample a manner as native-born citizens: *Provided,* Such alien so purchasing, holding, inheriting, or transmitting be a resident of this State or some one of the United States.

Approved, June 24, 1848.

ACT OF 1853.

[Laws of Connecticut (private), 1853, p. 29.]

AN ACT Authorizing appropriation for removal of colored persons to Liberia.

Resolved by this assembly, That one thousand dollars be, and the same is hereby, appropriated from the treasury of the State, to aid in this removal of such colored persons, inhabitants of this State, of industrious habits and good moral character, as may choose to emigrate to Liberia, in Africa, under the superintendence and direction of the American Colonization Society.

Resolved, That the governor of this State be, and he is hereby, constituted and appointed commissioner to select from among the applicants for aid such as he may deem most deserving; and he is hereby authorized to pay to the order of the treasurer of the American Colonization Society fifty dollars for each emigrant upon due notice of his or her embarkation; and the comptroller of public accounts is also hereby authorized to draw an order on the treasurer of this State in favor of said commissioner for a sum not exceeding one thousand dollars for the use of said society.

ACT OF 1855.

[Laws of Connecticut (public), 1855, Chapter XXII, p. 22.]

AN ACT In addition to an act relating to courts.

Be it enacted by the senate and house of representatives in general assembly convened, (That) No alien shall be permitted to declare his intention to become a citizen of the United States before any court already established or which hereafter may be established under and by virtue of the constitution and laws of this State, nor shall any alien be admitted to become a citizen of the United States before any such court.

Approved, June 26, 1855.

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ACT OF 1857.

[Laws of Connecticut (public), 1857, Chapter L, p. 45.]

AN ACT In addition to "An act concerning lands."

Be it enacted by the senate and house of representatives in general assembly convened:

SEC. 1. Any alien not a resident of this State or of the United States may, by deed or otherwise, acquire and hold any real estate in this State for the purpose of quarrying, or mining, or dressing, or smelting of ores on the same, or converting the products of such quarries and mines into articles of trade and commerce: *Provided*, That if any real estate so held by any nonresident alien for the purposes aforesaid shall remain without being worked or used for said purposes for a period of ten consecutive years, then all the right and title of any alien, nonresident as aforesaid, in or to such real estate shall be forfeited to the person or persons from whom the same was last acquired, or his or their heirs, if resident within the United States, and if not so resident, then to the State of Connecticut: *Provided further*, That if hostilities shall break out between the United States and the country of which such alien is a resident, or the friendly relations of the two countries be suspended, then the time of the continuance of such hostilities or the suspension of such friendly relations shall not be computed in making up said period of ten years.

SEC. 2. Any real estate held by any nonresident alien pursuant to the provisions of this act may be transmitted by such alien by deed or otherwise and inherited from him in the same manner as though he was a native-born citizen: *Provided*, That no alien not a resident of the United States shall acquire any greater title to said real estate by such transmission or inheritance than he could acquire by virtue of the first section of this act.

Approved, June 25, 1857.

ACT OF 1865.

[Connecticut Laws (public), 1865, Chapter X, p. 8.]

AN ACT To encourage the importation of laborers.

Be it enacted by the senate and house of representatives in general assembly convened:

SEC. 1. That all contracts entered into, in any foreign country, by which any person emigrating to this country shall agree to labor in this State for any person or corporation that shall advance, in whole or in part, the expenses of his emigration and of his transportation to his place of employment, and shall pledge the wages of his labor for the repayment of such advances, by an application thereto of a part, not exceeding one-half, of his weekly or monthly wages, shall be valid and binding to the same extent and in the same manner as if made within this State. And any such contract made by any minor under the age of twenty-one years, but of the age of seventeen years or over, shall be binding upon him in the same manner as if he was of full age: *Provided*, That the assent of the father, or, if he have no father, of the mother, of such minor, shall be given to such contract, and certified thereon, in all cases where such minor shall have

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a father or mother, and shall be living at the time with such father or mother. And any such contract made by any married woman shall be binding on her in the same manner as if she were a feme sole: *Provided*, That the assent of her husband, if she be living with him, shall be given to such contract and certified thereon: *And provided also*, That the husband shall not be personally liable thereon, unless he expressly so agrees. And all contracts entered into by immigrants after their arrival in this country, by which they shall, in the same manner, pledge the wages of their labor to repay the expenses of their transportation to place of employment within this State, shall be valid and binding in the same manner.

SEC. 2. If any immigrant, who shall by any such contract have pledged the wages of his labor for the expenses of his emigration or transportation, shall fail to enter into the service of the person or corporation so advancing such expenses, or shall, without the consent of such employer, leave such service before he shall have repaid the full amount so advanced for him, the amount so due to such employer shall constitute a lien upon all the wages of such immigrant, wherever earned, or from whomsoever due, until the same be repaid: *Provided*, That no person employing such immigrant shall be affected by such lien until he has received written notice of the same from such employer, and any payment made before such notice shall be valid. And where any immigrant, so breaking his contract, shall enter into the service of any other employer, such new employer, on receiving written notice from the original employer, shall be bound, if he shall elect to retain such laborer, to pay to such original employer the amount so due him from such laborer, and shall have the right to charge the same to such laborer, and deduct the amount from his wages. And such new employer shall have the same rights and remedies, with regard to the amount so paid by him, which are given by this act to the original employer.

SEC. 3. Where any employer shall have established a lien upon the wages of any immigrant so leaving his service, or shall have become entitled to the repayment of his advances by any new employer of such immigrant, under the last preceding section of this statute, the amount so due may be recovered by an action founded on this statute. And in such action notice shall be given, either at the time of the service of the writ, or afterwards, by order of the court, to such immigrant, if he shall reside within the State, and his place of abode shall be known, and he shall have a right to appear and defend in the suit.

SEC. 4. Where any other State of the United States has passed, or shall pass an act of the same general character and for the same general purposes as this act, and any immigrant, bound to an employer in such State for the repayment of the expenses of his emigration or transportation by his labor, under a contract valid in such State, shall leave the service of such employer, in violation of his contract, before such advances are repaid, such employer shall have the same lien within this State, and the same rights and remedies for the enforcement of the same, and for the recovery of such advances, that are given by this act to employers residing in this State.

Approved, June 9, 1865.

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EXTRACTS FROM GENERAL STATUTES, 1866.

[General Statutes of Connecticut, revision of 1866, p. 536.]

SEC. 6. Any alien who is a resident of this State, or of any of the United States, may purchase, hold, inherit, or transmit real estate in this State in as full and ample a manner as native-born citizens; and the wife of any alien capable of holding land in this State may take and hold land in this State by devise or inheritance and shall be entitled to dower in the land of her deceased husband; and the children and other lineal descendants of any person capable of holding lands in this State may take and hold such land as heirs at law of such ancestor.

SEC. 7. All conveyances and transfers of real estate, or of any interest therein, by deed, devise, or otherwise, heretofore made to any foreigner not authorized by law to hold real estate, and all conveyances and transfers of the same by such foreigner, are confirmed to such foreigner, his heirs, or assigns, and made effectual to all intents and purposes as though such foreigner had been a native-born citizen.

SEC. 8. Any alien not a resident of this State, or of the United States, may, by deed or otherwise, acquire and hold any real estate in this State for the purpose of quarrying, mining, dressing, or smelting ores on the same, or converting the products of such quarries and mines into articles of trade and commerce; but if any real estate so held by any nonresident alien for the purposes aforesaid shall remain without being worked or used for said purposes for a period of ten consecutive years, all the right and title of any such alien in or to such real estate shall be forfeited to the person or persons from whom the same was last acquired, or his or their heirs, if resident within the United States, and if not so resident then to the State of Connecticut; but if hostilities shall break out between the United States and the country of which such alien is a resident, or the friendly relations of the two countries shall be suspended, then the time of the continuance of such hostilities or the suspension of such friendly relations shall not be computed in making up said period of ten years.

SEC. 9. Any real estate held by any nonresident alien, pursuant to the provisions of the next preceding section, may be transmitted by such alien, by deed or otherwise, and inherited from him in the same manner as though he was a native-born citizen; but no alien not a resident of the United States shall acquire any greater title to said real estate by such transmission or inheritance than he would acquire by virtue of the preceding section.

EXTRACTS FROM GENERAL STATUTES, 1875.

[Connecticut—General Statutes, Title II, Chapter I, p. 4.]

SEC. 1. All persons born in this State, all persons born without its limits, if children of citizens of this State, who are temporarily absent therefrom, and all other persons being in, or coming into, and locating in this State, with intent to remain and reside permanently as

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citizens, except aliens, paupers, and fugitives from justice or service, are and shall be deemed to be citizens of this State, owing it allegiance and entitled to receive its protection, until they shall have voluntarily withdrawn from its limits and become incorporated into some other State or sovereignty as members thereof; and all persons in the jurisdiction of this State shall, in all cases, be entitled to the protection of its constitution and laws.[a]

SEC. 2. Any superior court, court of common pleas, district court, or city court, may, and no other court of the State shall, admit an alien to become a citizen of the United States, but no city court shall be in session in the night session for naturalization purposes after nine o'clock; and an alien may declare his intention to become a citizen of the United States before either of said courts.

SEC. 3. When an alien shall be admitted to become a citizen of the United States before either of said courts, its clerk shall keep a record of the names and residences of all persons testifying in behalf of such alien, and of the substance of their testimony.

SEC. 4. Any alien resident of any of the United States, and any citizen of France, so long as France shall accord the same right to citizens of the United States, may purchase, hold, inherit, or transmit real estate in this State in as full a manner as native-born citizens; and the wife of any such alien or citizen may take and hold land in this State by devise or inheritance, and shall be entitled to dower in the land of her deceased husband; and the lineal descendants of any person, capable of holding lands in this State, may take and hold such land as his heirs at law.

SEC. 5. Any alien, not a resident of this State, or of the United States, may acquire and hold any real estate in this State for the purpose of quarrying, mining, dressing, or smelting ores on the same, or converting the products of such quarries and mines into articles of trade and commerce; but if any real estate so held by any nonresident alien for said purposes shall remain without being used for said purposes for ten consecutive years, all the right and title of any such alien in or to such real estate shall be forfeited to the person from whom it was last acquired, or his heirs, if resident in the United States, and if not so resident, then to this State; but if hostilities shall break out between the United States and the country of which such alien is a resident, or the friendly relations of the two countries shall be suspended, then the time of the continuance of such hostilities, or suspension of such friendly relations, shall not be computed in making up said period of ten years.

SEC. 6. Any real estate held by any nonresident alien pursuant to the provisions of the preceding section, may be conveyed by and inherited from him in the same manner as though he were a native-born citizen; but no alien, not a resident of the United States, shall acquire any greater title to said real estate by such conveyance, or inheritance, than he would acquire by virtue of the preceding section.

[a] The right of citizenship in this State has been extended by the first section of the fourteenth amendment of the Constitution of the United States.

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EXTRACTS FROM GENERAL STATUTES, 1902.

[General statutes of Connecticut, revision of 1902, title 35, chapter 241, p. 1061.]

SEC. 4410.[a] *Resident aliens and Frenchmen may hold real estate.*—Any alien resident in the United States, and any citizen of France, so long as France shall accord the same right to citizens of the United States, may purchase, hold, inherit, or transmit real estate in this State in as full a manner as native-born citizens. The wife of any such alien or citizen may take and hold real estate in this State by devise or inheritance, and shall be entitled to dower or statutory share in the real estate of her deceased husband; and the lineal descendants of any person capable of holding lands in this State may take and hold such lands as his heirs at law.

SEC. 4411. *When nonresident aliens may hold real estate.*—Any alien not a resident of this State or of the United States may acquire and hold any real estate in this State, for the purpose of quarrying, mining, dressing, or smelting ores on the same, or converting the products of such quarries and mines into articles of trade and commerce; but if any real estate so held by any nonresident alien for said purposes shall remain without being used for said purposes for ten consecutive years, all the right and title of any such alien in or to such real estate shall be forfeited to the person from whom it was last acquired, or his heirs, if resident in the United States, and if not so resident then to this State; but if hostilities shall break out between the United States and the country of which such alien is a resident, or the friendly relations of the two countries shall be suspended, then the time of the continuance of such hostilities or suspension of such friendly relations shall not be computed in making up said period of ten years.

SEC. 4412. *When they may convey and transmit such estate.*—Any real estate held by any nonresident alien, pursuant to the provisions of section 4411, may be conveyed by and inherited from him, in the same manner as though he were a native-born citizen; but no alien not a resident of the United States shall acquire any greater title to said real estate by such conveyance or inheritance than he would acquire by virtue of section 4411.

SEC. 4413. *Naturalization of aliens.*—The superior court and court of common pleas in any county, when sitting at any place where either of said courts is authorized to be held, the district court of Waterbury, the city courts of Ansonia, Meriden, and New Britain, may, and no other court of the State shall, admit aliens to become citizens of the United States; and aliens may declare their intention to become citizens before either of said courts while in session in the county in which such aliens reside; but no alien shall be admitted to become a citizen by the superior court or court of common pleas except in the county in which he resides, nor by said district court, or the city court of either of said cities, unless he resides in the territory over which said courts, respectively, exercise jurisdiction.

[a] 4410. The jurisdiction of the court over proceedings and parties will be determined upon the record. This rule applies in the case of a foreign government (34 C., 328). An alien may take personal estate by distribution (51 C., 435; 69 C., 416). The scope of a devise will not be enlarged for the purpose of preventing an escheat (51 C., 435). While incapable of taking the realty, an alien devisee may take the income from a trust fund, raised in part from the realty (73 C., 66).

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SEC. 4414. *Sessions of courts for naturalization.*—In the counties of Windham, Middlesex, and Tolland the superior court shall be in session on Friday of the second week before, and on the day before, the electors' meeting to be held on the Tuesday after the first Monday of November, 1902, and biennially thereafter, for the purpose of admitting aliens to become citizens of the United States. The courts of common pleas and district court, respectively, in the other counties shall be in session on said days for the same purpose.

SEC. 4415. *Record of witnesses and their testimony.*—When either of said courts shall admit an alien to become a citizen of the United States, the clerk thereof shall make a record of the names and residences of all persons testifying in behalf of such alien and of the substance of their testimony and preserve the same; and he shall keep among the files of said court all declarations of intention to become citizens, and certified copies of such declarations, and all certificates that may be offered in evidence except discharges from the Army or Navy of the United States, and upon all such discharges offered in evidence he shall indorse a certificate of the naturalization of the persons holding the same.

SEC. 4416. *Naturalization certificate must be dated.*—Every certificate of naturalization issued by any court of this State shall specify upon its face the date when it was granted.

SEC. 4417. *Applicant to pay for naturalization papers.*—Every clerk of a court issuing naturalization papers who shall not require the payment of the legal fee therefor by the applicant at the time such papers are delivered, shall forfeit his office and shall be ineligible to reappointment for five years.

SEC. 4418. *Penalty if otherwise paid.*—Every person who shall individually or as a member of any committee or political organization pay the fee for naturalization papers issued to another, or shall agree or become obligated to pay therefor, or to refund the amount paid therefor, shall be fined not less than seven nor more than one hundred dollars.

[General Statutes of Connecticut, revision of 1902, p. 353.]

SEC. 1164. *Deprivation of rights on account of alienage, color, or race.*—Every person who subjects, or causes to be subjected, any other person to the deprivation of any rights, privileges, or immunities secured or protected by the constitution or laws of this State or of the United States, on account of alienage, color, or race, shall be fined not more than one thousand dollars or imprisoned not more than one year or both.

[General Statutes of Connecticut, revision of 1902, p. 639.]

SEC. 2466. *How foreigners may gain settlement.*—No person who is not an inhabitant of this State or of some State or Territory of the United States who shall come to reside in any town in this State shall gain a settlement therein unless admitted by a vote of its inhabitants or by consent of its justices of the peace and selectmen, a majority of whom, convened and acting as one board, shall be a quorum for that purpose.

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ACT OF 1895.

[Connecticut Public Acts, 1895, Chapter CCXCV, p. 638.]

AN ACT Concerning Italian and other alien laborers.

Be it enacted by the senate and house of representatives in general assembly convened:

SEC. 1. The commissioner of the bureau of labor statistics is hereby authorized to appoint some competent person or persons, familiar with the language of Italian, Polish, or other alien laborers, as special agents of the bureau, whose duty it shall be to inform said laborers, either personally or through printed matter in their language, as to their right of contract under the laws of the State, and to prevent, as far as possible, any illegal advantage being taken of said laborers by reason of their ignorance, credulity, or want of knowledge of the English language.

SEC. 2. The appointment of said special agents shall not be permanent, but simply to meet the exigencies of each case as presented to the commissioner, and they shall be paid a similar per diem compensation to that paid to other agents of the bureau, the total per diem expense in any one year not to exceed three hundred dollars.

SEC. 3. Any person who shall obtain or receive money due Italian, Polish, or other foreign laborers, ignorant of the English language, and shall retain any part thereof for his own use without giving adequate consideration therefor, shall, upon conviction, be punished by a fine of not more than one hundred dollars, or imprisonment for one year, or both.

Approved, July 4, 1895.

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DELAWARE.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Code of 1852 and 1893 (titles to real property).—Aliens may hold and transmit real property after declaration of intention to become a citizen. The act is retrospective and relates back to 1811. Purchases prior to 1829 are valid. Personal property of aliens pass just as that of citizens. Grants to aliens prior to 1805 are good, and deeds made by aliens are good.

Act of 1879–1881 (an act to encourage immigration to the State).—The act of 1879–1881 provides that certain marsh lands assessed at not exceeding $2 an acre may be exempted from taxation for 10 years when settled by 10 or more families.

Act of 1879–1881 (an act in relation to titles of real property).—The act of 1879–1881 confirms the titles made to or by aliens prior to 1879. Conveyances made by the widow or children of an alien shall be valid.

Act of 1881 (an act in relation to estates of aliens and to complete their titles to the same).—Conveyances to and by aliens made prior to 1897 are made valid. Title of widow or child of alien made prior to 1879 is valid.

Act of 1883 (an act for the encouragement of immigration and to foster the agricultural interests of the State).—The act of 1883 empowers the governor to appoint a board of immigration, consisting of three commissioners for terms of two years. Expenses, but no compensation, shall be allowed. It shall be the duty of the commissioners to advertise in periodicals, distribute special publications, and utilize any other effective means to induce desirable immigration. But they shall also exercise due care to prevent the importation into the State of any person who might endanger the public morals, health, peace, or good order of its citizens. They shall publish pamphlets containing data relative to all resources and advantages. They shall make special arrangements with transportation companies. They shall encourage the formation of local agricultural societies for the procuring of foreign labor, and shall appoint agents or otherwise direct, invite, and encourage immigration.

Acts of 1885, 1893, 1905, 1909.—Acts were passed in 1885, 1893, 1905, and 1909 to the same general effect in relation to the estate of aliens and in completion of their titles.

Act of 1907 (an act for the encouragement of immigration and to foster the agricultural interests of the State).—The act of 1907 constitutes the members of the state board of agriculture a board of immigration commissioners, of which the governor shall be ex officio member. The general duties, powers, and provisions are parallel with those prescribed by the act of 1883.

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IMMIGRATION AND ALIEN LAWS.

EXTRACTS FROM REVISED CODE.

[Laws of Delaware, Revised Code, 1852, as amended, etc., 1893, title 12, Ch. LXXXI, p. 617.]

SECTION 1. An alien residing in this State, and having made declaration according to law of his intention to become a citizen of the United States, shall be capable of taking by deed or will lands, tenements, and hereditaments in fee simple or for other estate, and of holding and of aliening the same; and upon the decease of an alien having title or right by purchase or descent according to this act to any lands, tenements, or hereditaments in fee simple, intestate as to such lands, tenements, or hereditaments, the same shall descend and pass in the same manner as if said alien were a citizen of the United States; and it shall be no objection to the kindred, husband, or widow of such alien, or of any citizen deceased, taking lands, tenements, or hereditaments by virtue of the intestate law of this State that they are aliens if they at the time of the death of the intestate reside within the limits of the United States; and any such kindred, being aliens and not residing within the limits of the United States at the time of the intestate's death, shall be passed by, and the effect shall be the same as if they were dead.

SEC. 2. The foregoing section shall have a retrospective operation, and shall relate to the 22d day of January, in the year of our Lord 1811, and shall have the same effect as if enacted on that day.

SEC. 3. All purchases, conveyances, and devises made before the 26th day of January, A. D. 1829, to or by an alien residing at the time in this State of lands, tenements, or hereditaments shall be as valid and the property shall pass and be held as if such alien had been a citizen. But no right vested in any person shall be divested or prejudiced by this section.

SEC. 4. When a title to real estate is claimed by descent by a person capable at the time of the descent of inheriting, it shall be no bar or interruption of such descent that the father, mother, or other ancestor, through whom the descent is derived, was an alien.

SEC. 5. The personal estate of an alien deceased intestate residing in this State at the time of his death shall be distributed in the same manner as if he were a citizen, and it shall be no objection to the husband, widow, or kindred of an alien or other intestate taking distributive shares of the deceased's personal estate that they are aliens.

SEC. 6. All gifts, grants, bargains, sales, conveyances, and devises of any lands, tenements, and hereditaments within this State made before the 23d day of January, A. D. 1805, to any person or persons, who at the time of making the same was or were an alien or aliens shall be good and effectual, and shall be construed and taken to be good and effectual, to vest in the grantee, or grantees, bargainee or bargainees, devisee or devisees, such estate and interest, and as good a right and title in and to the same as he or they could have taken by the same gift, grant, bargain, sale, conveyance, or devise if he or they had been legally naturalized at the time of making the same; and all deeds and conveyances made of any lands, tenements, and

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hereditaments within this State by any such alien or aliens, or his or their legal representatives, or by virtue of any legal process directed to the sheriff or coroner, shall be as good and effectual, and shall be construed and taken to be as good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and as good a right and title in and to the same lands, tenements, and hereditaments as such grantee, bargainee, or devisee could have taken by the same if the grantor, bargainor, or devisor had been legally naturalized at the time of making such grant, bargain, sale, conveyance, or devise last mentioned.

ACT OF 1879.

[Delaware Laws, pts. 1–2, 1879–1881, title 12, ch. 127, p. 189.]

AN ACT In relation to the estates of aliens.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Delaware in general assembly met*, That all gifts, grants, bargains, sales, conveyances, and devises of lands, tenements, and hereditaments, within this State, made before the 1st day of January, A. D. 1879, to any person or persons who, at the time of making the same, was an alien, or were aliens, shall be good and effectual, and shall be construed and taken to be good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and interest, and as good a right and title in and to the the same as he or she or they could have taken by the same gift, grant, bargain, sale, conveyance, or devise, if he or she or they had been legally naturalized at the time of making the same; and all deeds and conveyances made of any lands, tenements, or hereditaments within this State, by any such alien or aliens, or his or her or their legal representatives, or by virtue of any legal process, directed to the sheriff or coroner, shall be as good and effectual and shall be construed to be as good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate, and as good a right and title in and to the same lands, tenements, and hereditaments as such grantee, bargainee, or devisee could have taken by the same if the grantor, bargainor, or devisor had been legally naturalized at the time of making such grant, bargain, sale, conveyance, or devise last mentioned.

SEC. 2. *And be it further enacted as aforesaid*, That the widow, child, or children, respectively, of any alien, who died before the 1st day of January, A. D. 1879, shall be held to have acquired and taken the same interest, right, and estate as they would have done if such alien had been a citizen at the time of his death. And all conveyances made by such widow, child, or children, or of their or any of their rights or estates by legal proceeding, shall be as valid and effectual to convey such rights and estates as if such alien had been a citizen of this State at the time of his death.

Passed at Dover, February 5, 1879.

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ACT OF 1881.

[Delaware Laws, parts 1–2, 1879–81, title 22, ch. 522, p. 721.]

AN ACT To encourage immigration to the State of Delaware.

Be it enacted by the senate and house of representatives of the State of Delaware in general assembly met. All unimproved marsh lands lying adjacent to the Delaware Bay or any of its tributaries within this State that are not now assessed at more than two dollars per acre, when purchased and located upon by colonies of immigrants, composed of ten or more families, shall be exempt from the assessment and payment of State and county taxes for a period of ten years from and after the date of first purchase and occupancy.

Passed at Dover, April 8, 1881.

ACT OF 1883.

[Laws of Delaware (17), 1883, ch. 45, p. 74.]

AN ACT For the encouragement of immigration, and to foster the agricultural interests of the State.

Whereas the agricultural interests of this State are regarded by this general assembly as of primary importance; and whereas it is manifest that in order to the development of our uncultivated lands and the fixed and permanent establishment of a population corresponding with the capacity of our sparsely populated territory; and whereas the agricultural interests of Delaware demand an increase of labor to furnish increased facilities to plant and harvest the various crops grown, it is eminently expedient for us at this time to invite the population of other States, both American and European, to fix their homes and invest their capital with us; and whereas it is necessary in order to this end that the inhabitants of distant countries shall be particularly advised and informed of our form of government and of the numerous advantages of climate, soil, and productions which are here offered to foreigners seeking settlement in other countries;

And whereas many active and efficient agencies exist capable of giving a wide distribution to such authentic publication as the State may make of her many advantages and inducements to settlers from foreign States and States of the Union; now, therefore, the more effectually to diffuse the information aforesaid, for the purposes aforesaid and for the objects of this act,

Be it enacted by the senate and house of representatives of the State of Delaware in general assembly met:

SECTION 1. That within thirty days after the passage of this act (and biennially thereafter on the second Tuesday of December) the governor shall appoint three suitable persons, one from each county, residents of this State, of good moral character and well qualified for the place, as a board of immigration of the State of Delaware, who shall hold the said positions (for the term of two years) unless removed by the governor for sufficient cause. The governor shall have power to fill any vacancies caused by death, resignation, or otherwise.

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SEC. 2. The said commissioners shall receive no compensation for their services, but may reimburse themselves their necessary expenses out of the funds hereinafter provided for to be expended by them: *Provided*, That the warrants for expenses incurred by the provisions of this act are drawn by the governor, who shall also be ex-officio member of said board.

SEC. 3. The duties of said commissioners shall be:

First. To use all proper means to induce immigration into this State; and for this purpose they are hereby authorized to and may advertise in one or more papers or magazines published in Europe and elsewhere, as they may deem best: *Provided*, That they shall at all times exercise due care to prevent the bringing into the State any person or persons who might endanger the public morals, health, or peace or good order of its citizens.

Second. To prepare and publish pamphlets, with maps of the State and counties, essays, and articles correctly describing the developed and undeveloped agricultural interests of the State, with information as to the general adaption of the soil of the different counties for the various products, and such other local information as may be of interest to immigrants.

Third. To employ such means as may be at their disposal to properly represent the advantages of schools, climate, soil, diversity of crops grown, and facilities of communicating offered by Delaware to persons desiring to secure homes.

Fourth. To contract with and appoint an agent or agents in Europe and elsewhere, and by such other methods as their judgment may direct, invite, and encourage immigration to this State.

Fifth. To make contracts with railroads, steamboat lines, and other transportation companies securing a low rate of fare to emigrants, and to make necessary preparations for their reception and temporary accommodation.

Sixth. To encourage the formation of, and when requested, advise as to the best measures of establishing local agricultural societies for the procuring of foreign labor, and, as far as in their power, supply the wants of such societies, without partiality or favoritism, when made through their proper officers: *Provided always*, That no expense is incurred by the State.

SEC. 4. It shall not be lawful, under penalty of forfeiture of commission, for said commissioners to receive any commission or any compensation, directly or indirectly, for the performance of the duties hereinbefore enumerated other than that allowed under the provisions of this act: *Provided always*, That said commissioners are not hereby prohibited from inviting the cooperation of transportation companies in furtherance of the purposes of this act and accepting such courtesies and facilities as they may tender them.

SEC. 5. That said commissioners shall, annually, on or before the second Tuesday of December, settle with the state auditor and make a full report to the governor, to be by him laid before the legislature at its biennial sessions.

SEC. 6. That the sum of three thousand dollars annually is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act; and the auditor is hereby directed, at the discretion of the governor,

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to issue his warrant on the state treasurer for the sum hereby appropriated, or so much thereof as shall be necessary, from time to time.

SEC. 7. That this act shall remain in force for two years, and no longer.

Passed at Dover, April 10, 1883.

ACT OF 1885.

[Laws of Delaware (17), 1885, title 12, ch. 613, p. 913.]

AN ACT In relation to the estate of aliens and to complete their title to the same.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Delaware in general assembly met*, That all grants, bargains, sales, conveyances, and devises of lands, tenements, and hereditaments within the State, made before the 1st day of January, A. D. 1885, to any person or persons, who at the time of making the same was an alien, or were aliens, shall be good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and interest and as good a right and title in and to the same as he or she or they could have taken by the same grant, bargain, sale, conveyance, or devise if he or she or they had been legally naturalized at the time of making the same; and all deeds and conveyances made of any lands, tenements, or hereditaments within this State by any such alien or aliens, or his or her or their legal representatives, or by virtue of any legal process directed to the sheriff or coroner, shall be as good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and as good a right and title in and to the same lands, tenements, and hereditaments as such grantee, bargainee, or devisee could have taken by the same if the grantor, bargainor, or devisor had been legally naturalized at the time of making such grant, bargain, sale, conveyance, or devise last mentioned; and any mortgage or other security taken by any alien to secure the payment of the purchase money, or any part thereof, of any lands, tenements, or hereditaments sold and conveyed by such alien, shall be as good and effectual and collectable by the same process of law as if the person in whose favor the same was or may be taken had been legally naturalized at the time of the making of such mortgage or other security.

SEC. 2. *And be it further enacted as aforesaid*, That the widow, child, or children, respectively, of any alien who died before the 1st day of January, A. D. 1885, shall be held to have acquired and taken the same interest, right, and estate as they would have done if such alien had been a citizen at the time of his death, and all conveyances made by such widow, child, or children, or of their or of any of their rights or estates by legal proceedings, shall be as valid and effectual to convey such rights and estates as if such alien had been a citizen of this State at the time of his death.

SEC. 3. *And be it further enacted as aforesaid*, That all conveyances of lands, tenements, and hereditaments within this State, which shall have been acknowledged before any consular agent and attested under the seal of such consular agent before the 1st day of January,

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A. D. 1885, shall be deemed and taken to have been properly and legally acknowledged, and if not already recorded may and shall be admitted of record in the county in which the lands, tenements, and hereditaments conveyed thereby are situated, and all such conveyances, or a duly certified copy of the record thereof, shall be evidence in any court of law or equity in this State.

Passed at Dover, February 3, 1885.

ACT OF 1893.

[Delaware Laws, 1893, title 12, ch. 769, p. 1114.]

AN ACT In relation to the estate of aliens and to complete their title to the same.

Be it enacted by the senate and house of representatives of the State of Delaware in general assembly met:

SECTION 1. That all grants, bargains, sales, conveyances, and devises of lands, tenements, and hereditaments within the State made before the 1st day of February, A. D. 1893, to any person or persons who at the time of making the same was an alien, or were aliens, shall be good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and interest and as good a right and title in the same as he or she or they could have taken by the same grant, bargain, sale, conveyance, or devise if he or she or they had been legally naturalized at the time of making the same; and all deeds and conveyances made of any lands, tenements, or hereditaments within this State by any such alien or aliens, or his or her or their legal representatives, or by virtue of any legal process directed to the sheriff or coroner, shall be as good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and as good a right and title in and to the same lands, tenements, and hereditaments as such grantee, bargainee, or devisee could have taken by the same if the grantor, bargainor, or devisor had been legally naturalized at the time of making such a grant, bargain, sale, conveyance, or devise last mentioned; and any mortgage or other security taken by any alien to secure the payment of purchase money or any part thereof of lands, tenements, or hereditaments sold and conveyed by such alien, shall be as good and effectual and collectible by the same process of law as if the person in whose favor the same was or may be taken had been legally naturalized at the time of making such mortgage or other security.

SEC. 2. *And be it further enacted as aforesaid*, That the widow, child, or children, respectively, of any alien who died before the 1st day of January, A. D. 1893, shall be held to have acquired and taken the same interest, right, and estate as they would have done if such alien had been a citizen at the time of his death, and all conveyances made by such widow, child, or children, or of their or of any of their rights or estates by legal proceedings, shall be as valid and effectual to convey such rights and estates as if such alien had been a citizen at the time of his death.

SEC. 3. *And be it further enacted as aforesaid*, That all conveyances of lands, tenements, and hereditaments within this State, which shall have been acknowledged before any consular agent and at-

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tested under the seal of such consular agent before the 1st day of February, A. D. 1893, shall be deemed and taken to have been legally and properly acknowledged, and if not already recorded may and shall be admitted of record in the county in which the lands, tenements, and hereditaments conveyed thereby are situated, and all such conveyances, or a duly certified copy of the record thereof, shall be evidence in any court of law or equity in this State.

Passed at Dover, March 16, 1893.

ACT OF 1897.

[Laws of Delaware (20), 1881, title 12, ch. 578, p. 694.]

AN ACT In relation to estate of aliens, and to complete their title to the same.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Delaware in general assembly met*, That all grants, bargains, sales, conveyances, and devises of lands, tenements, and hereditaments within the State made before the 1st day of January, A. D. 1897, to any person or persons who, at the time of making the same, was an alien or were aliens shall be good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and interest and as good a right and title in the same as he or she or they could have taken by the same grant, bargain, sale, conveyance, or devise if he or she or they had been legally naturalized at the time of making the same; and all deeds and conveyances made of any lands, tenements, or hereditaments within this State by any such alien or aliens, or his or her or their legal representatives, before the 1st day of January, A. D. 1897, or by virtue of any legal process directed to the sheriff or coroner before that time, shall be as good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and as good a right and title in and to the same lands, tenaments and hereditaments as such grantee, bargainee, or devisee could have taken by the same if the grantor, bargainor, or devisor had been legally naturalized at the time of making such grant, bargain, sale, conveyance, or devise last mentioned; and any mortgage or other security taken by any alien to secure the payment of purchase money or any part thereof of lands, tenements, or hereditaments sold and conveyed by such alien, shall be as good and effectual and collectible by the same process of law as if the person in whose favor the same was or may be taken had been legally naturalized at the time of making such mortgage or other security.

SEC. 2. *And be it further enacted as aforesaid*, That the widow, child, or children, respectively, of any alien who died before the 1st day of January, A. D. 1897, shall be held to have acquired and taken the same interest, right, and estate as they would have done if such alien had been a citizen at the time of his death, and all conveyances made by such widow, child, or children, or their or any of their rights or estates by legal proceedings, shall be as valid and effectual to convey such rights and estates as if such alien had been a citizen at the time of his death.

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SEC. 3. *And be it further enacted as aforesaid*, That all conveyances and all letters of attorney relating to conveyances of lands, tenements, and hereditaments within this State, which shall have been acknowledged before any consular agent and attested under the seal of such consular agent before the 1st day of January, A. D. 1897, shall be deemed and taken to have been legally and properly acknowledged, and if not already recorded may and shall be admitted of record in the county in which the lands, tenements, and hereditaments conveyed thereby are situated, and all such conveyances, or a duly certified copy of the record thereof, shall be evidence in any court of law or equity in this State.

Passed at Dover, February 9, 1897.

ACT OF 1905.

[Delaware Laws, pts. 1–2, 1905, title 12, ch. 195, p. 484.]

AN ACT In relation to the estate of aliens, and to complete their title to the same.

Be it enacted by the senate and house of representatives of the State of Delaware in general assembly met:

SECTION 1. That all grants, bargains, sales, conveyances, and devises of lands, tenements, and hereditaments within the State, made before the 1st day of January, A. D. 1905, to any person or persons who, at the time of making the same, was an alien or were aliens, shall be good and effectual to vest in the grantee or grantees, bargainee or gargainees, devisee or devisees, such estate and interest and as good a right and title in the same as he or she or they could have taken by the same grant, bargain, sale, conveyance, or devise if he or she or they had been legally naturalized at the time of making the same, and all deeds and conveyances made of any lands, tenements, or hereditaments within this State by any such alien or aliens, or his or her or their legal representatives, or by virtue of any legal process directed to the sheriff or coroner before that time, shall be as good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate as good a right and title in and to the same lands, tenements, and hereditaments as such grantee, bargainee, or devisee could have taken by the same if the grantor, bargainor, or devisor had been legally naturalized at the time of making such grant, bargain, sale, conveyance, or devise last mentioned; and any mortgage or other security taken by any alien to secure the payment of purchase money or any part thereof of lands, tenements, or hereditaments sold and conveyed by such alien shall be as good and effectual and collectible by the same process of law as if the person in whose favor the same was or may be taken had been legally naturalized at the time of making such mortgage or other security.

SEC. 2. *And be it further enacted as aforesaid*, That the widow, child, or children, respectively, of any alien who died before the 1st day of January, A. D. 1905, shall be held to have acquired and taken the same interest, right, and estate as they would have done if such alien and the said widow, child, or children had been citizens at the

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time of the death of said alien, and all conveyances made by such widow, child, or children of their, or any of their, right or estate by legal proceedings, shall be as valid and as effectual to convey such rights and estates as if such alien and said widow, child, or children had been citizens at the time of the death of such alien.

SEC. 3. *And be it further enacted as aforesaid*, That the child or children, brothers, sisters, or other next of kin, respectively, who were aliens at the time of the death of any person dying intestate before the 1st day of January, 1905, shall be held to have acquired and taken by descent the same interest, right, and estate in the lands, tenements, and hereditaments of such intestate, situate within the State of Delaware, as they would have acquired and taken if they had been citizens of the United States at the time of the death of such intestate, in accordance with the intestate laws of the State of Delaware, and all conveyances, mortgages, or other deeds affecting such lands, tenements, or hereditaments made or to be made by such aliens shall be as valid and effectual in respect thereto as if such aliens were citizens of the United States at the time of the execution thereof.

SEC. 4. *And be it further enacted as aforesaid*, That all conveyances and all letters of attorney relating to conveyances of land, tenements, and hereditaments within this State, which shall have been acknowledged before any consular agent and attested under the seal of such consular agent before the 1st day of January, A. D. 1905, shall be deemed and taken to have been legally and properly acknowledged, and if not already recorded may, and shall be, admitted of record in the county in which the lands, tenements, and hereditaments conveyed thereby are situated, and all such conveyances, or a duly certified copy of the record thereof, shall be evidence in any court of law or equity in this State.

Approved, March 29, A. D. 1905.

ACT OF 1907.

[Delaware Laws, pts. 1 and 2, 1907, ch. 116, p. 206.]

AN ACT For the encouragement of immigration, and to foster the agricultural interests of the State.

Whereas the agricultural interests of this State are regarded by this general assembly as of the greatest importance;

And whereas in order that our uncultivated lands may be properly developed, and it is desirable to have a fixed and permanent establishment of a population corresponding with the capacity of our sparsely populated territory;

And whereas labor necessary for the proper development and carrying on of our agricultural lands in the State is grossly inadequate, and the agricultural interests of Delaware demand an increase of labor to furnish increased facilities to plant and harvest the various crops grown;

Be it enacted by the senate and house of representatives of the State of Delaware in general assembly met:

SECTION 1. That the members constituting the State board of agriculture, as the said board is now constituted and as it may be

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constituted hereafter, be and they are hereby created a board of immigration commissioners of the State of Delaware.

SEC. 2. That the governor shall also be ex officio member of said board.

SEC. 3. That the duties of said commissioners shall be:

First. To contract with and appoint an agent or agents in Europe and elsewhere, and, subject to the methods as their judgment may direct, invite and encourage immigration to this State. Also to contract, in the name of the State, with laborers in foreign countries for the purpose of bringing said laborers to this State for agricultural purposes.

Second. To make contracts with railroads, steamboat lines, and other transportation companies, secure a low rate of fare to immigrants, and to make necessary preparations for their reception and temporary accommodation.

Third. To encourage the formation of, and, when requested, advise as to the best measures of establishing, local agricultural societies for the procuring of foreign labor, and, as far as in their power, supply the wants of such societies without partiality or favoritism when made through their proper offices: *Provided always*, That no expense is incurred by the State.

SEC. 4. That it shall not be lawful, under penalty of forfeiture of commission, for said commissioners to receive any commission or any compensation, directly or indirectly, for the performance of the duties hereinbefore enumerated other than that allowed under the provisions of this act: *Provided always*, That said commissioners are not hereby prohibited from inviting the cooperation of transportation companies in furtherance of the purposes of this act and accepting such courtesies and facilities as they may tender them.

SEC. 5. That said commissioners shall, annually, on or before the second Tuesday of December, settle with the State auditor and make a full report to the governor, to be by him laid before the legislature at its biennial sessions.

SEC. 6. That the sum of twenty-five hundred dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the purpose of carrying out the provisions of this act, two hundred dollars of which shall be equally divided among said commissioners as compensation for services performed under the provisions of this act; and the governor is hereby authorized, at his discretion, to issue his warrant on the State treasurer for the sum hereby appropriated, or so much thereof as shall be necessary, from time to time.

SEC. 7. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved, April 4, A. D. 1907.

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ACT OF 1909.

[Laws of Delaware, 1909, Part I, Title XII, ch. 218, p. 502.]

AN ACT In relation to the estate of aliens, and to complete their title to the same.

Be it enacted by the senate and house of representatives of the State of Delaware in general assembly met:

SECTION 1. That all grants, bargains, sales, conveyances, and devises of lands, tenements, and hereditaments within the State, made before the 1st day of February, A. D. 1909, to any person or persons, who, at the time of making the same, was an alien or were aliens, shall be good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and interest and as good a right and title in the same as he or she or they could have taken by the same grant, bargain, sale, conveyance, or devise, if he, or she, or they had been legally naturalized at the time of making the same, and all deeds and conveyances made of any lands, tenements, or hereditaments within this State by any such alien or aliens, or his, or her, or their legal representatives, or by virtue of any legal process directed to the sheriff or coroner before that time, shall be as good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and as good a right and title in and to the same lands, tenements, and hereditaments as such grantee, bargainee, or devisee could have taken by the same if the grantor, bargainor, or devisor had been legally naturalized at the time of making such grant, bargain, sale, conveyance, or devise last mentioned; and any mortgage or other security taken by any alien to secure the payment of purchase money or any part thereof of lands, tenements, or hereditaments sold and conveyed by such alien, shall be as good and effectual and collectible by the same process of law as if the person in whose favor the same was or may be taken had been legally naturalized at the time of making such mortgage or other security.

SEC. 2. *And be it further enacted as aforesaid*, That the widow, child, or children, respectively, of any alien who died before the 1st day of February, A. D. 1909, shall be held to have acquired and taken the same interest, right, and estate as they would have done if such alien and the said widow, child, or children had been citizens at the time of the death of said alien, and all conveyances made by such widow, child, or children of their or any of their right or estate by legal proceedings, shall be as valid and as effectual to convey such rights and estates as if such alien and said widow, child, or children had been citizens at the time of the death of such alien.

SEC. 3. *And be it further enacted as aforesaid*, That the child or children, brothers, sisters, or next of kin, respectively, who were aliens at the time of the death of any person dying intestate before the 1st day of February, 1909, shall be held to have acquired and taken by descent the same interest, right, and estate in the lands, tenements, and hereditaments of such intestate, situate within the State of Delaware, as they would have acquired and taken if they had been citizens of the United States at the time of the death of such intestate in accordance with the intestate laws of the State of

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Delaware, and all conveyances, mortgages, or other deeds affecting such lands, tenements, or hereditaments made or to be made by such aliens shall be as valid and effectual in respect thereto as if such aliens were citizens of the United States at the time of the execution thereof.

SEC. 4. *And be it further enacted as aforesaid*, That all conveyances and all letters of attorney relating to conveyances of land, tenements, and hereditaments within this State, which shall have been acknowledged before any consular agent and attested under the seal of such consular agent before the 1st day of February, A. D. 1909, shall be deemed and taken to have been legally and properly acknowledged, and if not already recorded may and shall be admitted of record in the country in which the lands, tenements, and hereditaments conveyed thereby are situated, and all such conveyances of a duly certified copy of the record thereof shall be evidence in any court of law or equity in this State.

Approved, February 25, A. D. 1909.

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FLORIDA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1869 (an act to provide for the organization of a bureau of immigration).—Provision was made by statute in 1869 for the organization of a bureau of immigration, under the direction of a commissioner of immigration. It shall be the duty of the commissioner "to prepare, publish, and disseminate such publications as he may deem necessary for a thorough understanding, at home and abroad, of the inducements which Florida offers to settlers." He shall have control of all official agencies created for the encouragement, assistance, and protection of immigrants. He shall have power to arrange plans for transporting persons and property in order to facilitate immigration. He shall have power to cooperate with unofficial organizations to advance the proposed work. He is authorized to receive, as trustee of the State, donations of land intended to aid immigration. He shall act as a joint attorney for the vender and vendee in the sale of lands to settlers. He shall prepare, publish, and distribute to settlers or immigrants a digest of the laws of the State relating to taxation and to the transfer and tenure of real estate. He shall procure official maps of all counties containing public lands and maintain correct data about such lands, and shall report annually all official acts and results.

Act of 1874 (an act for the encouragement of immigration to this State and to encourage the planting and raising of tropical fruits).—An act was passed in 1874 for the encouragement of immigration to the State, and to encourage the planting and raising of tropical fruits. It provided for the exemption from taxation of all lands planted in tropical fruit trees until productive, and for the rate of taxation on lands with productive groves to be no greater than that where devoted to agriculture.

Act of 1877 (an act to create and organize a bureau of immigration).—A law was enacted in 1877 to create and organize a bureau of immigration. A board of immigration is constituted of the attorney-general, comptroller, and commissioner of lands and immigration, with power to devise means to direct, invite, and encourage immigration and effect the rapid settlement of vacant lands. Fifteen hundred dollars annually is appropriated for the purposes stated. The commissioner of lands and immigration shall be president of the board of immigration, with general power to administer its affairs and finances.

Joint resolution of 1877.—To correct an adverse impression a joint resolution was passed in 1877 for broad circulation, announcing "that it is the purpose and wish of all true Floridians to encourage the immigration of all good men to this State from all sections, and that in

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the name of the people of Florida a cordial invitation is hereby extended to immigrants from the North, East, and West to make their homes among us."

Acts of 1879 (an act to establish a bureau of immigration for the State of Florida, and to promote the rapid settlement of the State).—A statute was enacted in 1879 to "establish a bureau of immigration for the State of Florida, and to promote the rapid settlement of the State lands." The governor, comptroller, and commissioner of lands and immigration are constituted a bureau of immigration "to encourage immigration and the rapid settlement of the vacant lands of the State." The powers, duties, and purposes of the bureau of immigration are practically the same as those defined in the prior acts.

(An act to promote immigration and for other purposes.)—An act was also passed in 1879 "to encourage the construction of canals, improve the navigation of creeks, facilitate transportation, promote immigration, and for the reclamation, settlement, and cultivation of state lands." Its provisions relate only incidentally to immigration and it is not presented in this compilation.

Act of 1889 (an act to establish a bureau of immigration for the State of Florida).—In 1889 a law was enacted "to establish a bureau of immigration for the State of Florida." The governor, secretary of state, and commissioner of agriculture are constituted a board of immigration, of which the commissioner of agriculture shall be president. Meetings shall be held on the call of the president, and a majority of the board shall constitute a quorum. A chief clerk shall be appointed and shall act as secretary.

"The bureau of immigration shall collect, prepare, publish, and disseminate such information concerning the soils, climate, productions, industries, resources, capabilities, and advantages of the State of Florida as may be most effective in attracting immigration."

Act of 1891 (an act to repeal the immigration laws).—The act of 1891, repealing prior acts or laws, abolished the bureau of immigration.

Act of 1893 (an act to promote and encourage immigration in the various counties of Florida, and to provide for the assessment and collection of revenue for these purposes).—An act was passed in 1893 "to encourage and promote immigration in the various counties of Florida and to provide for the assessment and collection of revenue for these purposes." Upon petition from the owners of a majority of the assessed lands of a county the county commissioners may establish a county bureau of immigration. Each election district shall select one member of a governing board. The members shall serve two years, elect their officers, and employ a county immigration agent. The expenses of the bureau shall be provided by a tax of 2 cents upon each acre of land in the county not covered by water. Officers shall give adequate bond and report semiannually to the board of county commissioners. They shall have power to expend the funds only for the purpose of inducing bona fide settlers to their county. The bureau may be abolished by the same method as that creating it.

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IMMIGRATION AND ALIEN LAWS.

ACT OF 1869.

[Florida State Laws, 1869, ch. 1685 (No. 1), p. 1.]

AN ACT To provide for the organization of a bureau of immigration.

The people of the State of Florida, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioner of immigration, with such deputies as he may from time to time, under the authority of law, appoint, are hereby constituted a bureau of immigration, pursuant to the requirement of the constitution.

SEC. 2. It shall be the duty of the commissioner to supervise and direct all officials connected with and employed by the bureau; to prepare, publish, and disseminate such publications as he may deem necessary for a full understanding at home and abroad of the objects and purposes of the bureau, and of the inducements which Florida offers to settlers.

SEC. 3. The commissioner shall have exclusive direction and control of all agencies that may be organized by himself, or established by law, for the encouragement, assistance, and protection of immigrants from abroad; he shall be empowered, on the part of the State, to make such arrangements with railroads and other companies for the transportation of passengers and freights by land or water, whether within or without the State, as will promote immigration to the State, and are practicable with such means as may be granted by the legislature.

SEC. 4. The commissioner is empowered, in his discretion, to cooperate officially with the agricultural and immigrant associations of the State, and of the various counties, in the encouragement of immigration, and shall direct the selection, revision, and publication of such papers and documents of those societies as may be authorized by the legislature.

SEC. 5. The commissioner is authorized to receive, as trustee of the State, all lands which may be given gratuitously by proprietors for settlement, and to make arrangements for the location of immigrants thereon; and all lands in this State which, by written agreement with the commissioner, may, by the owners thereof, be subjected to gratuitous settlement and occupation in lots of twenty acres or more, shall be and remain exempt from taxation so long as they shall continue so subject to gratuitous settlement, under the direction and control of the said commissioner.

SEC. 6. The commissioner is also empowered to act as joint attorney in behalf of both vendor and vendee, when they may so select, of lands within the State, receiving such accurate descriptions and surveys, with such evidences of title as he may direct, and with all necessary powers of attorney to convey the same at prices fixed by the vendor in his descriptive schedule, keeping such schedules on file in his office open to the inspection of all, and publishing from time to time, without expense to the State, complete lists of such lands;

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and the commissioner, in case of sale of such lands, may retain not exceeding four per cent of the price fixed in the descriptive schedule to defray the expense of advertising and selling such lands.

SEC. 7. The commissioner shall keep an accurate record of his official doings, and make an annual report thereof, which shall be printed and distributed to the legislature during the first week of its annual session.

SEC. 8. The commissioner shall as soon as may be, with the advice and assistance of the chief justice of the supreme court, and of the attorney-general, prepare, publish, and distribute to immigrants a digest of the laws of the State, in reference to the transfer and tenure of real estate, and a schedule of the state system of taxation, with such comparison with similar laws of other States as he may deem best.

SEC. 9. The commissioner is empowered and directed to procure and use in his official documents and papers an official seal, representing the arms of the State, and including his own official title.

SEC. 10. The governor shall cause the surveyor-general to provide and deposit with the commissioner of immigration a set of maps of the different counties of the State, in which the lands belonging to the State and the United States shall be designated, and under the same regulations for monthly statements of sales and in regard to inspection as provided in the act to provide for a correct list of the owners of real property in the several counties of this State, approved August 6, 1868.

SEC. 11. The commissioner shall receive, in addition to the salary fixed by the constitution, his actual expenditures for printing and postage and for necessary travel in the performance of his official duties, and he shall be allowed to expend, in the establishment of necessary agencies, in advertising, and in defraying contingent expenses incurred in executing the plans herein embodied, an amount not exceeding two thousand dollars per year; he shall keep an account of such expenditures and of his actual and necessary travel, shall certify under oath before a judge of some court of record to the accuracy and justice of his account, and the same shall be payable at the time and in the manner provided for the payment of his salary.

Approved, February 1, 1869.

ACT OF 1874.

[Florida State Laws, 1874, ch. 2039 (No. 64), p. 105.]

AN ACT For the encouragement of immigration to this State, and to encourage the planting and raising of tropical fruits.

The people of the State of Florida, represented in senate and assembly, do enact as follows:

SECTION 1. That for the encouragement of the growth of tropical fruits in this State all nurseries of young and not-producing trees of oranges, limes, lemons, bananas, guaves, and other tropical fruits shall be exempt from taxation; and all groves of the aforesaid trees shall not be subjected to a greater tax than the said lands on which the same are situate would be subjected if planted in corn or cotton: ***Provided***, That nothing in this act shall be construed to exempt from

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taxation, at the legal rates upon a fair assessment thereof, all groves of bearing fruit trees or upon nurseries of such trees planted for sale.

Approved, February 14, 1874.

ACT OF 1877.

[Florida State Laws, 1877, ch. 3046 (No. 70), p. 104.]

AN ACT To create and organize a bureau of immigration.

The people of the State of Florida, represented in senate and assembly, do enact as follows:

SECTION 1. That the attorney general, comptroller, and commissioner of lands and immigration be, and are hereby, constituted a board of immigration, with power to appoint an immigration agent or agents, subject to the orders and instructions of the board, advertise, and by such other methods as their judgment may direct invite and encourage immigration and effect the rapid settlement of the vacant lands.

SEC. 2. That the sum of fifteen hundred dollars per annum be appropriated from any moneys in the treasury not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 3. That the commissioner of lands and immigration shall be president of the board of immigration, and from time to time, with and by the consent of the board, and in and as by law provided, have drawn from the treasury such sum of money as the board may deem proper, the total amount not to exceed the said sum of fifteen hundred dollars per annum.

SEC. 4. That all laws and parts of laws conflicting with this act be, and they are hereby, repealed.

Approved, February 6, 1877.

RESOLUTION OF 1877.

[Florida State Laws, 1877, p. 156.]

Joint resolution.

Whereas the opinion prevails among some of our fellow-citizens in other sections of the United States that a portion of the people of Florida are opposed to the advent of immigrants to this State from the North and West; and

Whereas such opinion is wholly unfounded and contrary to the wishes and desires of the whole people of the State of Florida:

Be it resolved by the senate and assembly of the State of Florida in legislature convened, That it is the purpose and wish of all true Floridians to encourage the immigration to this State of all good men from all sections, and that in the name of the people of Florida a cordial invitation is hereby extended inviting immigrants from the North, East, and West to make their homes among us.

And be it further resolved, That the governor be requested to cause to be forwarded to our Senators and Representatives in Congress, each, a copy of these resolutions.

Approved, January 31, 1877.

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ACT OF 1879.

[Florida State Laws, 1879, ch. 3151 (No. 53), p. 88.]

AN ACT To establish a bureau of immigration for the State of Florida and to promote the rapid settlement of the State lands.

The people of the State of Florida, represented in senate and assembly, do enact as follows:

SECTION 1. That the governor, comptroller, and commissioner of lands and immigration be, and they are hereby, constituted a bureau of immigration, whose duty it shall be to encourage immigration and the rapid settlement of the vacant lands of the State. The bureau, as constituted, shall appoint, subject to the approval of the senate, a suitable person, to be known as the commissioner of the bureau of immigration, who shall be subject to the bureau of immigration, and who shall, by advertising, by lecturing, by the dissemation of correct information as to our soil, climate, productions, and resources; by the arrangement of special rates of transportation between the cities of the North and West and of Europe to this State; and by such other methods as the bureau of immigration may approve, invite and encourage immigration with a view to the settlement of the vacant lands: *Provided*, That no *per capita* shall be paid and no arrangement be entered into by which the commissioner or any other person shall receive compensation upon the basis of the number of immigrants obtained.

SEC. 2. The salary of the said commissioner of the bureau of immigration shall be fixed by the bureau. He shall devote himself exclusively to the immigration interests of the State, and in the event of his death, resignation, or the failure on his part to discharge his duties in a faithful and satisfactory manner the bureau shall have power to appoint another person to discharge his duties until the next session of the legislature. Said commissioner may appoint a secretary to assist him in the performance of the clerical duties of his office, the salary of which said secretary shall be fixed by the bureau. He may also appoint agents at suitable points, subject to the approval of the bureau, whose compensation shall be fixed by the bureau and be paid out of the general appropriation for immigration purposes. Said commissioner shall hold his office for the period of two years.

SEC. 3. That the total amount expended for the purposes of immigration and the settlement of the vacant lands in each and every year shall not exceed the amount of the annual appropriation therefor.

SEC. 4. That the commissioner bureau of lands and immigration shall be president of the bureau of immigration.

SEC. 5. That for the purpose of practically carrying out the design for which the bureau of immigration is established an appropriation is hereby made for the support and maintenance of said bureau, and inclusive of the salaries of commissioner, secretary, and agents, of five thousand dollars per annum, to be derived from any moneys arising from the sales of State lands belonging to the internal improvement fund, or out of any moneys in the treasury of the State not otherwise appropriated. Said sum of five thousand dollars shall be counted an annual expense, subject to reduction or increase by each

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succeeding legislature as the needs of the bureau may require. Said amount shall be drawn by the commissioner, under rules and regulations to be established by the bureau of immigration: *Provided*, That not less than two thousand dollars per annum of said sum shall be used in the preparation and distribution of pamphlets truthfully and concisely setting forth the inducements to immigrants to buy and settle upon the State lands in the several counties of the State. Said commissioner shall make a quarterly report of his acts and doings and of the expenditures of his office to the bureau of immigration, and the same shall be approved by the bureau before any further amount is drawn by said commissioner. He shall also submit to the said bureau, on the first Monday in January of each and every year, a complete annual report of the doings and results of his office for the information and consideration of the legislature when in session.

SEC. 6. That all laws and parts of laws in conflict with this act are hereby repealed.

Approved, March 7, 1879.

ACT OF 1889.

[Florida State Laws, 1889, ch. 3856 (No. 10), p. 22.]

AN ACT To establish a bureau of immigration for the State of Florida.

Be it enacted by the legislature of the State of Florida:

SECTION 1. The governor, secretary of state, and commissioner of agriculture are hereby constituted a bureau of immigration, of which the commissioner of agriculture shall be president, and shall keep the same, as provided by the constitution, as a department of his office. He shall preside over its meetings and shall direct its operations in such manner as the bureau may prescribe.

SEC. 2. The bureau of immigration shall hold such meetings as may be called by its president, of his own motion, or at the request of any of its members, and a majority of its members shall constitute a quorum for the transaction of business.

SEC. 3. The commissioner of agriculture shall appoint a suitable person, to be known as chief clerk of the bureau of immigration, whose duties and compensation shall be fixed by the bureau, and who shall act as its secretary and keep a record of its proceedings.

SEC. 4. The bureau of immigration shall collect, prepare, publish, and disseminate such information concerning the soils, productions, climate, industries, resources, capabilities, and advantages of the State of Florida as may be most effective in attracting immigration.

SEC. 5. No money shall be paid out of any fund appropriated for the support of the bureau of immigration except upon the request of the commissioner of agriculture and as provided by law, and no expenditure shall be incurred by such bureau except by resolution duly adopted at a meeting thereof, and entered upon its minutes in due form. Any balance of such fund remaining at the end of any year shall be carried to the credit of the bureau for the succeeding year, and may be expended with the amount appropriated for such succeeding year.

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SEC. 6. The commissioner of agriculture shall, at each session of the legislature, in his regular report to the governor, include a full and detailed report of the proceedings and acts of the bureau of immigration, and of the moneys expended thereby, together with such recommendations concerning amendments to this law as he may deem necessary and desirable, and an estimate of the amount required for the support of the bureau for the ensuing two years.

SEC. 7. This act shall take effect immediately upon its passage and approval.

Approved, June 3, 1889.

ACT OF 1891.

[Florida State Laws, 1891, ch. 4057 (No. 48), p. 98.]

AN ACT To repeal chapter thirty-eight hundred and fifty-six, entitled "An act to establish a bureau of immigration for the State of Florida.

Be it enacted by the legislature of the State of Florida:

SECTION 1. That chapter thirty-eight hundred and fifty-six, the same being an act to establish a bureau of immigration for the State of Florida, be, and the same is hereby, repealed.

SEC. 2. That this act shall take effect on approval by the governor.

Approved, June 13, 1891.

ACT OF 1893.

[Florida State Laws, 1893, ch. 4162 (No. 48), p. 90.]

AN ACT To encourage and promote immigration in the various counties of Florida, and to provide for the assessment and collection of revenue for these purposes.

Be it enacted by the legislature of the State of Florida:

SECTION 1. The county commissioners of the various counties of Florida may, when requested in writing by the owners of the majority of the assessed lands of their county, establish a county bureau of immigration, which bureau shall consist of the chairman of the board of county commissioners and one member from each election district of the county.

SEC. 2. The members from each election district shall be selected by the registered voters of the various election districts in such manner as they may prescribe.

SEC. 3. Upon the adoption of the resolution by the county commissioners establishing a county bureau of immigration, they shall give notice of same by publication in some newspaper of the county for four consecutive weeks; in which notice the registered voters of the various election districts shall be requested to elect their members to the bureau and to certify the names of the persons so selected to the chairman of the board of county commissioners within sixty days of the day of publication. In the event any district or districts shall fail to make a selection, the selection shall be made by the board of county commissioners at their regular meeting.

SEC. 4. The members of the county board of immigration shall hold their offices for the term of two years. They shall elect their

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own chairman, secretary, and treasurer, and shall be authorized to employ a county agent of immigration whose salary shall be fixed by them; which salary shall be paid out of the fund hereinafter to be specified.

SEC. 5. No members of the county bureau of immigration shall receive any salary, except the treasurer, whose salary shall not exceed fifty dollars.

SEC. 6. Whenever a county bureau of immigration is established in any county, the county commissioners of said county shall levy an annual tax not exceeding two cents per acre upon all the assessed lands of the county, providing that lands covered by water shall not be subject to this assessment, and providing that fractional parts of an acre shall be subject to the levy of two cents per fraction. Said tax shall be collected in the same manner as other taxes, and shall be turned over by the county treasurer to the treasurer of the bureau of immigration as soon as collected, taking therefor the receipt of said treasurer of the county bureau of immigration.

SEC. 7. The treasurer of the county bureau of immigration shall enter upon a bond with two or more sureties for the faithful performance of his duties, in such amount as may be fixed by the county bureau of immigration.

SEC. 8. The treasurer of the county bureau of immigration shall make a semiannual report to the board of county commissioners of the amount received by him and for what purposes expended.

SEC. 9. The county bureau of immigration shall have authority to inducing *bona fide* settlers to their county, and shall cause their chairman on the first day of January of each and every year to publish in some newspaper in the county for four consecutive weeks the amount of money received by the bureau and for what purpose expended.

SEC. 10. The county commissioners shall, when requested in writing by the owners of the majority of the assessed lands of the county, abolish such county bureau of immigration: *Providing*, That the county bureau shall not be abolished within two years of its establishment.

Approved, June 5, 1893.

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GEORGIA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1866 (an act to facilitate the sale of real estate in Georgia and to encourage immigration thereto).—The preamble to the act of 1866 recites that under the devastation caused by the conflict of arms and the emancipation of the slaves the majority of the people are in destitute circumstances and are desirous of disposing of real estate on the most advantageous terms and of having the privilege and benefit of seeking buyers abroad. The act provides, in pursuance of the people's needs, that authority shall be granted to specified persons to establish a commission house or land agency for the sale and disposal of real estate by lottery and otherwise under prescribed regulations and restrictions.

Act of 1869 (an act to encourage immigration into the State of Georgia and the investment of capital in lands).—Under the act of 1869 a domestic and a foreign commissioner of immigration shall be elected by joint ballot of the general assembly. The domestic commissioner shall serve for a term of two years and shall faithfully devote himself to the encouragement of the immigration of good citizens, laborers, artisans, mechanics, and others, and to the investment of capital in lands. Such publications as may be deemed advisable shall be purchased, printed, and circulated to promote the general objects of the act. The foreign commissioner shall visit Europe for a period extending from one to two years for the purpose of encouraging and facilitating immigration and the sale of lands. Complete records of all acts and transactions shall be kept and report in one year to the governor.

Act of 1870.—The statute of 1870 was enacted to repeal an "Act to encourage immigration into the State of Georgia and the investment of capital in lands."

Act of 1872 (an act relative to the obligations of emigrants to employers advancing funds for expenses).—The act of 1872 makes it punishable by law for any emigrant to the State to leave the service of his employer who has paid the traveling expenses or passage money in coming to the State unless such emigrant shall refund to his employer the amount of the traveling expenses or passage money advanced.

Act of 1873.—The statute of 1873 was enacted to repeal the act of 1872 relative to the obligation of emigrants to employers advancing funds for expenses.

Act of 1875.—The act of 1875 is intended to repeal section 2676 of the Georgia Code of 1873, by which the rights of aliens are restricted and abridged in reference to holding lands.

Act of 1879 (an act to encourage immigration to Georgia, and for other purposes).—The governor shall appoint a state land and immigration agent. The agent, by advertising, by disseminating correct

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information as to the State's soil, climate, productions, and resources, by arranging special rates of transportation, and by such other methods as the governor may approve, shall invite and encourage immigration, including cooperative colonization. The agent may appoint a secretary and agents to assist him. He shall keep a register of lands for sale in the State, and names of persons desiring to purchase lands or secure employees or employment. Any citizen may register lands for sale, and any person may register his name for purchasing lands or securing employees or employment. Circulars shall be issued setting forth inducements offered to immigrants.

Act of 1894 (providing for a state bureau of immigration).—The act of 1894 provides for establishing a bureau of immigration with the commissioner of immigration ex officio commissioner of immigration. The commissioner shall collect and arrange a handbook of the resources of the State for publication and dissemination. It shall contain data relating to all matters deemed of interest to homeseekers, investors, and the general public. He shall correspond with all agencies in operation for the purpose of bringing capital, home seekers, and acceptable immigrants to Georgia and other Southern States.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1866.

[Laws of Georgia, 1866 (No. 120), p. 70.]

AN ACT To facilitate the sale of real estate in Georgia, and to encourage immigration thereto.

Whereas under the devastation caused by our late conflict of arms, and the emancipation of our slaves, the majority of our people are left in destitute circumstances, and in most cases having only their real estate left them; and being desirous of disposing of all, or a portion thereof, on the most advantageous terms, and from the poverty of our people unable to find purchasers at home, and being desirous of having the privilege and benefit of legally seeking buyers abroad, at a fair valuation for said estate: Therefore

7. SECTION 1. *Be it enacted, etc.*, That William Schley, Robert Schley, and James Gardner, of the county of Richmond and State of Georgia, shall have the right and authority to establish, in the city of Atlanta and State aforesaid, a commission house or land agency for the sale and disposal of real estate by lottery and otherwise, under the following regulations and restrictions, to wit:

First. Any person desiring to sell or dispose of his, her, or their real estate through the said land agency, by lottery or otherwise, shall, before doing so, fully describe the same, as to the number of acres (and if a city lot, the number of feet), its boundaries, character of improvements, and county in which located, so it can be fully identified.

Second. Shall then place a fair valuation thereon, which valuation shall be certified to by two disinterested citizens of the county or neighborhood in which the land is located, and when there prerequisites are complied with, and the property offered for sale or lottery by the said land agency, the party or parties having the con-

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trol of said land and improvements shall bind themselves in a good and sufficient bond to said land agents, or their successors, to make a valid title thereto to whoever may be the drawer or purchaser thereof; but no obligations to make titles given to said parties shall be of any force or effect for a longer period than six months, unless the valuation fixed to the property shall be tendered within the said terms of six months from the date of such bond, whenever the said land agents or their successors shall tender to the owner or controller thereof (in currency) the valuation agreed upon for said property.

8. SEC. 2. That said William Schley, Robert Schley, and James Gardner, or their successors, shall have the right to add to the certified valuation of said property a reasonable percentage to cover commissions, advertising, and other incidental expenses necessary to the disposal of the same; but in all events the party owning the property to receive the net valuation thereof.

Section 2 repeals conflicting laws.

Approved, 3d December, 1866.

ACT OF 1869.

[Georgia Laws, 1869, Title VIII, p. 26.]

AN ACT To encourage immigration into the State of Georgia and the investment of capital in lands.

SECTION 1. *Be it enacted, etc.*, That, as soon as practicable after the passage of this act the two houses of the general assembly shall, in joint session, elect one domestic and one foreign commissioner of immigration, and that said commissioners so elected shall be commissioned by the governor.

SEC. 2. The domestic commissioner shall hold his office for two years, unless sooner removed by the governor upon the address of two-thirds of the general assembly. He shall have an office at the capital of the State, and shall have power to use an official seal. He shall faithfully devote himself to the encouragement of the immigration of good citizens, laborers, artisans, mechanics, etc., and to the investment of capital in lands.

SEC. 3. The domestic commissioner, aided by the foreign commissioner, shall cause to be purchased, printed, and circulated such publications as they shall deem advisable tending to promote the general object herein contemplated: *Provided*, They shall not expend in printing and circulating such publications beyond three thousand dollars of the amount hereinafter appropriated, and that the State shall not be, directly or by implication, made liable for any expenditure for said printing and circulation beyond said sum of three thousand dollars.

SEC. 4. The foreign commissioner shall cooperate with the domestic commissioner in encouraging and facilitating immigration into the State and the sale of lands to immigrants, and to this end shall visit Europe and remain there for the period hereinafter designated.

SEC. 5. The annual salary of the domestic commissioner shall be two thousand dollars, and all the agencies said commissioner may establish for the purpose of keeping a record of lands for sale, description, surveys, and other information relative to such lands shall

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be paid for by said commissioner; and to enable him to defray all said expenses, in addition to his salary he is hereby authorized to charge and collect such fees for entering lands, descriptions, surveys, etc., upon his books and such per cent upon any amounts realized from the sale of lands and such fees for hiring laborers, mechanics, etc., as he may agree upon with the parties for whom such service may be rendered.

SEC. 6. The compensation for the foreign commissioner shall be three thousand dollars, and for such compensation he shall be required to remain in Europe not less than one or more than two years.

SEC. 7. That the two commissioners herein provided for are hereby authorized to cooperate, as they may deem advisable, with any effort made and to receive any assistance offered by the state agricultural society for the accomplishment of the purposes herein contemplated.

SEC. 8. Said commissioners shall, one year after the date of their commissions, report to the governor the plan they have adopted and the results of said plan.

SEC. 9. For the carrying out the purposes of this act the sum of ten thousand dollars is hereby appropriated; and under no circumstances shall the State be liable for any sum of money on this account besides the said sum of ten thousand dollars herein appropriated.

SEC. 10. Repeals conflicting laws.

This act became a law without executive approval by the lapse of five days from its receipt by the governor without being returned by him.

ACT OF 1870.

[Laws of Georgia, No. 264, 1870, p. 400.]

AN ACT To repeal an act entitled "An act to encourage immigration into the State of Georgia, and the investment of capital in lands."

SECTION 1. *Be it enacted, etc.*, That an act entitled "An act to encourage immigration into the State of Georgia, and the investment of capital in lands," which act became a law, without the approval of the executive, by lapse of time, March 8, 1870, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted*, That all laws in conflict with the above section be, and the same are hereby, repealed.

Approved, October 18, 1870.

This act was never published.

ACT OF 1872.

[Laws of Georgia (No. 21–O. No. 420), 1872, p. 26.]

AN ACT To make it punishable by law for any emigrant to this State to leave the service of his employer, who has paid the traveling expenses or passage money in coming to the State, unless said emigrant shall refund to his said employer the amount in full of the traveling expenses or passage money so advanced.

5. SECTION I. *Be it enacted by the general assembly of the State of Georgia*, That, from and after the passage of this act, it shall not be lawful for any emigrant coming to this State, who has contracted with his employer to work for him, and in consideration of said con-

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tract his employer has advanced money to pay his traveling expenses or passage money in coming to the State, unless said emigrant shall refund to his said employer the full amount so advanced.

6. SEC. II. *Be is further enacted*, That any person violating the provisions of this act shall be punished as prescribed in section 4245 of the Code of Georgia.

SEC. III. Repeals conflicting laws.

Approved, August 27, 1872.

ACTS OF 1873.

I.

[Laws of Georgia (No. XXXVII–O. No. 8), 1873, p. 34.]

AN ACT To repeal an act entitled "An act to make it punishable by law for any immigrant to this State to leave the service of his employer who has paid the traveling expenses or passage money in coming to the State, unless said immigrant shall refund to his said employer the amount in full of the traveling expenses or passage money so advanced," approved August 27, 1872.

15. SECTION I. *Be it enacted by the general assembly of the State of Georgia, and it is hereby enacted by the authority of the same*, That from and after the passage of this act the above recited act be, and the same is hereby, repealed.

Approved, February 5th, 1873.

(NOTE.—See act of 1872, p. 26.)

II.

[Laws of Georgia (No. XLI–O. No. 292), 1873, p. 37.]

AN ACT To repeal an act approved August 27, 1872, entitled "An act to make it punishable by law for any immigrant to this State to leave the service of his employer who has paid the traveling expenses or passage money in coming to this State, unless said immigrant shall refund to his employer the amount in full of the traveling expenses or passage money so advanced."

21. SECTION I. *Be it enacted by the general assembly of the State of Georgia*, That an act entitled "An act to make it punishable by law for any immigrant to this State to leave the service of his employer who has paid the traveling expenses or passage money in coming to this State, unless said immigrant shall refund to his said employer the amount in full of the traveling expenses or passage money so advanced," approved August 27, 1872, be, and the same is hereby, repealed.

Approved, February 24, 1873.

ACT OF 1875.

[Laws of Georgia (No. XX–O. No. 107), 1875, p. 21.]

AN ACT To repeal section 2676 of the Code of 1873 prescribing the manner in which aliens may hold lands in Georgia.

Whereas there is a conflict between sections 2676 and 1661 of the Code of 1873; and whereas it has been and is the policy of this State to secure to aliens the subjects of Governments at peace with the

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United States and this State, so long as their Governments remain at peace, all the rights of citizens of other States resident in this State, which rights are restricted and abridged as to aliens by the provisions of section 2676, for remedy whereof:

15. SECTION I. *Be it enacted by the general assembly of the State of Georgia*, That from and after the passage of this act section 2676 of the Code of 1873 be, and the same is hereby, repealed.

SEC. II. Repeals conflicting laws.

Approved February 26, 1875.

(NOTE.—The section repealed required an alien, before he could hold land, to take an oath, in writing, that it is his intention, bona fide, to improve the same, etc.)

ACT OF 1879.

[Laws of Georgia, 1878-79, Part I, title 14, No. 313, p. 161.]

AN ACT To encourage immigration to Georgia, and for other purposes.

SECTION I. *Be it enacted by the general assembly of Georgia*, That from and after the passage of this act the governor shall appoint, subject to the approval of the senate, a suitable person to be known as the state land and immigration agent. Said agent shall, by advertising, by the dissemination of correct information as to our soil, climate, productions, and resources, by the arrangement of special rates of transportation between the cities of the North and West and of Europe to this State, and by such other methods as the governor may approve, invite and encourage immigration, including cooperative colonization.

SEC. II. *Be it further enacted*, That said agent may appoint a secretary to assist him in performing the clerical duties of his office. He may also appoint agents at suitable points, subject to the approval of the governor.

SEC. III. *Be it further enacted*, That it shall be the duty of the agent of land and immigration to keep in his office a register of lands for sale in Georgia and the names of persons who desire to purchase lands or secure employees or employment in Georgia in the manner and on the terms hereinafter provided.

SEC. IV. *Be it further enacted*, That any citizen of Georgia may register in the office of the commissioner any lands owned by him or her in the State, giving an abstract of the titles to the said land, with a condensed description of the same, on payment of a fee of three dollars to the agent of land and immigration for each separate tract or parcel of land so registered: *Provided*, An abstract to the titles of said lands, bearing the seal of the clerk of the superior court of the county in which said lands lie, shall be filed in the office of the commissioner, and the fees for such registration shall be paid before such registration is made.

SEC. V. *Be it further enacted*, That any person desiring to purchase lands, to secure employees or employment as a skilled laborer in Georgia, may register his or her name, with a statement of his or her wants, in the office of the agent of land and immigration on the payment of a fee of one dollar to said commissioner.

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SEC. VI. *Be it further enacted*, That as soon as the amount received from such fees shall justify it, the said agent shall issue circulars or pamphlets truthfully and concisely setting forth the inducements to immigrants to buy or lease lands and settle in the State singly, in families, or colonies, and shall distribute said circulars and pamphlets in such number and manner as will best promote the objects of this act.

SEC. VII. *Be it further enacted*, That the said agent shall keep in his office an accurate account of all moneys received for registration and report to the governor at the end of each quarter and to the legislature biennially, at each regular session, the amount thus received. The expense of registration, printing, and mailing said circulars shall be paid out of the fees received for registration, and from no other source.

SEC. VIII. *Be it further enacted*, That the offices of said agent of immigration shall be located in Atlanta, Georgia, and the city of New York.

SEC. IX. *Be it further enacted*, That all laws or parts of laws conflicting with this act be, and the same are hereby, repealed.

Approved, October 17, 1879.

ACT OF 1894.

[Laws of Georgia, No. 93, 1894, Part I, title 8, p. 104.]

AN ACT To provide for a bureau of immigration in this State; to provide for the scope and purposes of the same; to provide for the publication and dissemination of a handbook of the resources of this State, and for other purposes.

SECTION I. *Be it enacted by the general assembly, and it is hereby enacted by authority of the same*, That the commissioner of agriculture of this State shall be ex officio commissioner of immigration, with the duties hereinafter enumerated.

SEC. II. *Be it further enacted*, That it shall be the duty of the said commissioner to collate and arrange in systematized order, in his office, full and accurate information as to the mineral, geological, metallurgical, agricultural, horticultural, and timber and fishing resources of the State; the cost and prospect of the profitable development and utilization of the same; as to the adaptation of the soil of the State and the counties thereof to the various products of the Temperate Zone; as to the streams and waters of the State and their adaptability to navigation, manufacturing, and other purposes; as to the advantages of the seaports of the State; as to the facilities for transportation, both passenger and freight, by water and by rail, with the cost of same; as to the climatic, health, social, and religious conditions of the State; as to the capital invested in the various lines of manufacture in the State and the records of the same as to profitableness, and as to any and all other matters which he may deem of interest to home seekers, investors, and the general public: *Provided*, That all such information shall be arranged according to counties, as far as practicable, and be so arranged as to be readily accessible and intelligible to all parties seeking information along the lines herein indicated.

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SEC. III. *Be it further enacted*, That it shall be the duty of the said commissioner to correspond with all bureaus, societies, corporations, and organizations having for their purposes the development of this State and of the Southern States of these United States, the bringing of capital, home seekers, and acceptable immigrants to this and to the said Southern States; to advise them as to the resources and advantages of this State; to communicate, correspond with, and furnish all information to all persons seeking same along the lines indicated in section 2 of this act.

SEC. IV. *Be it further enacted*, That the said commissioner shall, from the information collated and arranged as prescribed in section 2 of this act, prepare, publish, and disseminate two thousand copies of a handbook of this State, neatly printed, bound, and arranged according to counties, plainly and intelligibly setting out the resources and advantages of the State to home seekers, investors, and the general public: *Provided*, That said handbook shall not cost in excess of one thousand dollars.

SEC. V. *Be it further enacted*, That the commissioner of agriculture be, and he is hereby, authorized to use and appropriate to the carrying out of the objects and purposes of this act all moneys and funds now unused in his office or to his credit in the treasury of the State, or so much thereof as may be necessary.

SEC. VI. *Be it further enacted*, That the commissioner of agriculture and ex officio commissioner of immigration is authorized to sell to all persons desiring said handbook as many copies thereof as they may desire at the actual cost thereof.

SEC. VII. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Approved, December 18, 1894.

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IDAHO.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1883 (relief of destitute immigrants).—A board of trustees, constituted of three members, is created by the act of 1883 to dispense a charitable fund provided by the Territory for the relief of nonresident persons who are destitute of the necessaries of life. The fund shall consist of $500 appropriated by the Territory and such additional sums as may be required and not in excess of $2,000.

Joint resolution of 1883 (relief of destitute immigrants).—Subsequent to the legislative act for the relief of destitute immigrants, a joint resolution was adopted providing for the reduction of the available fund for that purpose to $1,000.

Act of 1891 (an act prohibiting the employment of aliens on state or municipal works).—The act of 1891 was passed to put into operation a provision of the state constitution prohibiting the employment of aliens on state or municipal works.

Act of 1897 (an act to discourage the further increase of alien population in this State).—It is made unlawful by the act of 1897 for any corporation operating in the State to employ any alien who has not become naturalized or declared his intention to become a citizen of the United States. Whenever such a prohibited alien secures employment with any corporation he shall be discharged upon discovery of the fact of his alienage. Any employee of a corporation who violates these provisions shall suffer the penalty of the commission of a misdemeanor.

Act of 1899 (an act regulating the rights of aliens, corporations, and associations to acquire real estate; prohibiting the employment of unnaturalized aliens, and providing for the discharge of the same).—The act of 1899 prohibits alien persons or corporations from acquiring property in the State, with certain specified exceptions. Chinese and persons of Mongolian descent not born in the United States are specially prohibited. No person not a citizen of the United States or who has not declared his intention to become a citizen shall be employed upon any state or municipal works. No corporation shall employ any alien for work in the State unless he has become naturalized or declared his intention to do so. Any such alien innocently employed must be discharged.

Act of 1899 (an act establishing a bureau of immigration, labor, and statistics for the State of Idaho, and for other purposes).—A bureau of immigration, labor, and statistics is established by the act of 1899. A commissioner shall be appointed by the governor, receive a salary of $1,800 a year, and receive an allowance of $600 a year. It shall be his duty to collect and compile reliable data concerning the soil, climate, resources, industries, and advantages of the State.

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He shall keep in his office for exhibit samples of all productions of the State that may be contributed for such a purpose. He shall encourage exhibits to be placed at local points and in expositions in other States. He shall publish in the press and otherwise give publicity to the data at his command. He shall collect information on the subject of labor, its relation to capital, the hours of labor, the earnings of laborers, and the means of promoting their material, social, intellectual, and moral prosperity; and shall present annual reports to the governor relating to all departments of labor.

IMMIGRATION AND ALIEN LAWS.

RESOLUTIONS OF 1883.

I.

[Laws of the Legislative Assembly of the Territory of Idaho, 1883.]

HOUSE CONCURRENT RESOLUTION NO. 4.—Relief of destitute immigrants.

Be it resolved by the legislative assembly of the Territory of Idaho, as follows:

That C. P. Bilderback, L. R. Walter, and A. L. Richardson are hereby constituted trustees to dispense a charitable fund in the manner hereinafter provided:

The controller is hereby required to draw his warrant upon the territorial treasury in the sum of five hundred dollars in favor of said trustees. The said trustees shall make proper investigation as to the actual condition of all persons destitute of the necessaries of life, who shall apply to them for aid: *Provided*, Such persons shall not have been residents of the Territory for six months last past, and are of a class known as immigrants.

The said trustees are hereby directed to furnish at once the necessary relief to such persons. If upon the expenditure of said five hundred dollars for such purposes, the said trustees shall submit a report to the territorial controller as to the manner in which said amount shall have been expended, and if the said trustees shall report that more funds are necessary the said controller shall draw a warrant on the treasurer for an additional amount in the sum of five hundred dollars, and in like manner shall be required to draw his warrants upon the treasurer upon application of said trustees in sums of five hundred dollars each until a sum not exceeding two thousand dollars shall have been drawn from the treasury: *Provided*, That said trustees shall file with the controller a detailed statement of the manner in which the last preceding five hundred dollars shall have been expended by them before an additional warrant shall be drawn.

The territorial treasurer is hereby authorized and required to pay all warrants drawn as aforesaid, not to exceed two thousand dollars, out of any moneys in the territorial treasury not otherwise appropriated.

Approved January 22, 1883.

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II.

[Laws of the Legislative Assembly of the Territory of Idaho, 1883.]

COUNCIL JOINT RESOLUTION NO. 7.—Relief of destitute immigrants.

Be it resolved by the legislative assembly of the Territory of Idaho, as follows:

That A. L. Richardson, Charles P. Bilderback, and L. R. Walter are hereby constituted trustees to dispense a charitable fund in the manner hereinafter provided:

The controller is hereby required to draw his warrant upon the territorial treasury in the sum of five hundred dollars in favor of said trustees. The said trustees shall make proper investigation as to the actual condition of all persons destitute of the necessaries of life who shall apply to them for aid: *Provided*, Such persons shall not have been residents of the Territory for six months last past, and of a class known as immigrants.

The said trustees are hereby directed to furnish at once the necessary relief to such persons. If, upon the expenditure of the said five hundred dollars for such purposes, the said trustees shall submit a report to the territorial controller as to the manner in which said amount shall have been expended, and if the said trustees shall report that more funds are necessary, the said controller shall draw a warrant on the territorial treasurer for an additional amount in the sum of five hundred dollars: *Provided*, That said trustees have filed with the controller a detailed statement of the manner in which the preceding five hundred dollars shall have been expended, and not otherwise.

The territorial treasurer is hereby authorized and required to pay all warrants drawn as aforesaid not to exceed one thousand dollars out of any moneys in the territorial treasury not otherwise appropriated.

This act shall take effect immediately upon the approval of the governor.

Approved February 8, 1883.

ACTS OF 1891.

I.

[Idaho State Laws, 1890–91, p. 108.]

AN ACT Restricting aliens, corporations, and associations in their right to acquire and hold real estate.

Be it enacted by the legislature of the State of Idaho:

SECTION 1. No person other than a citizen of the United States, or who has declared his intention to become such, nor any association or corporation, except railway corporations whose members are not exclusively citizens of the United States, or persons who have declared their intention to become such, shall hereafter acquire any land, or title thereto, or title therein, other than mineral lands or such as may be necessary for the actual working of mines and the

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reduction of the products thereof: *Provided*, That no person not eligible to become a citizen of the United States shall acquire title to any land or real property within this State except as hereinafter provided: *Provided further*, This act shall not prevent the holders (whether aliens or nonresidents, corporations or associations) of liens upon real estate, or any interest therein, heretofore or hereafter acquired, from holding or taking a valid title to the real estate in the enforcement of such lien; nor shall it prevent any such alien, association, or corporation from enforcing any lien or judgment for any debt or liability now existing or which may be hereafter created, nor from becoming a purchaser at any sale made for the purpose of collecting or enforcing the collection of such debt or judgment; nor from preventing widows or heirs who are aliens or who have not declared their intention to become citizens from holding lands by inheritance; but all lands acquired as aforesaid shall be sold within five years after the title thereto shall be perfected in such alien, association, or corporation, and in default of such sale within such time such real estate shall revert and escheat to the State of Idaho. The provisions of this act shall not be construed in any way to prevent or interfere with the ownership of mining land or land necessary for the working of mines or the reduction of the products thereof.

SEC. 2. An emergency exists, therefore this act shall take effect and be in force immediately after its passage.

Approved, February 26, 1891.

II.

[Idaho State Laws, 1891, p. 119.]

AN ACT To authorize aliens to take, hold, and dispose of mining property.

Be it enacted by the legislature of the State of Idaho:

SECTION 1. That any person, whether citizen or alien (except as hereinafter provided), natural or artificial, may take, hold, and dispose of mining claims and mining property, real or personal, tunnel rights, mill sites, quartz mills and reduction works used or necessary or proper for the reduction of ores, and water rights used for mining or milling purposes, and any other lands or property necessary for the working of mines or the reduction of the products thereof: *Provided*, That Chinese or persons of Mongolian descent not born in the United States are not permitted to acquire title to land or any real property under the provisions of this act.

SEC. 2. An emergency exists, and this act shall take effect from and after its passage.

Approved, March 2, 1891.

III.

[Idaho State Laws, 1891, p. 233.]

AN ACT To enforce section 5 of article 13 of the constitution, prohibiting the employment of aliens on state or municipal works.

Be it enacted by the legislature of the State of Idaho:

SECTION 1. No person not a citizen of the United States or who has not declared his intention to become such or who is not eligible to become such shall be employed upon any state or municipal works;

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nor shall any such person be employed by any contractor to work on any public works of the State or any municipality: *Provided*, That any state prisoner may be employed within the state prison grounds and as provided in section 3, article 13, of the constitution.

SEC. 2. Any person who shall violate any of the provisions of section one of this act, on conviction thereof, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each person so employed, or by imprisonment in the county jail until such fine be paid or until discharged as provided by law.

Approved, March 14, 1891.

ACT OF 1897.

[Idaho State Laws, 1897, S. B. No. 4, p. 5.]

AN ACT To discourage the further increase of alien population in this State.

Be it enacted by the legislature of the State of Idaho:

SECTION 1. It shall hereafter be unlawful for any county government, or municipal or private corporation organized under the laws of this State, or organized under the laws of another State or Territory, or in a foreign country, or doing business in this State to give employment in any way to any alien who has failed, neglected, or refused prior to the time such employment is given to become naturalized or declare his intention to become a citizen of the United States.

SEC. 2. Whenever employment has been innocently given to any alien by any county government, municipal or private corporation mentioned in section 1 of this act, and complaint shall be made in writing by any person to the officers of the county government or municipal corporation, or general manager, superintendent, foreman, or other agent of the private corporation, having charge or superintendency of the labor of such alien employee, that such employee is an alien he shall forthwith discharge such employee from employment unless said employee shall produce his declaration to become a citizen, or his certificate of naturalization, or a duly certified copy thereof.

SEC. 3. Any public officer, or any county government or municipal corporation, or any general manager, superintendent, foreman, or other agent of any private corporation, or any contractor or agent of any company engaged in public work, who shall violate any of the provisions mentioned in this act, who shall knowingly give employment to any alien, or who, having innocently given such employment, shall on complaint being made to him by any person fail or refuse to discharge any such employee forthwith, on the failure or refusal of such employee to produce for his inspection and the inspection of the complainant his declaration of intentions to become a citizen, or certificate of naturalization as provided in section 2 of this act, shall be deemed guilty of a misdemeanor.

SEC. 4. Whereas an emergency exists this act shall take effect and be in force from and after its passage.

Approved, February 18, 1897.

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ACTS OF 1899.

I.

[Idaho State Laws, 1899, H. B. No. 34, p. 70.]

AN ACT Regulating the rights of aliens, corporations, and associations to acquire real estate; prohibiting the employment of unnaturalized aliens and providing for the discharge of the same.

Be it enacted by the legislature of the State of Idaho:

SECTION 1. No person other than a citizen of the United States, or who has declared his intention to become such, nor any association or corporation, except railway corporations, whose members are not exclusively citizens of the United States, or persons who have declared their intention to become such, shall hereafter acquire any land, or title thereto, or interest therein, other than mineral lands, or such as may be necessary for the actual working of mines and the reduction of the products thereof: *Provided*, That no person not eligible to become a citizen of the United States shall acquire title to any land or real property within this State, except as hereinafter provided: *Provided further*, This act shall not prevent the holders (whether aliens or nonresidents, corporations or associations) of liens upon real estate, or any interest therein, heretofore or hereafter acquired from holding or taking a valid title to the real estate in the enforcement of such lien; nor shall it prevent any such alien, association, or corporation from enforcing any lien or judgment for any debt or liability now existing, or which may be hereafter created, nor from becoming a purchaser at any sale made for the purpose of collecting or enforcing the collection of such debt or judgment; nor from preventing widows or heirs who are aliens, or who have not declared their intention to become citizens, from holding lands by inheritance; but all lands acquired as aforesaid shall be sold within five years after the title thereto shall be perfected in such alien, association, or corporation, and in default of such sale, within such time, such real estate shall revert and escheat to the State of Idaho. The provisions of this act shall not be construed in any way to prevent or interfere with the ownership of mining land, or land necessary for the working of mines or the reduction of the products thereof.

SEC. 2. Any person, whether citizen or alien (except as hereinafter provided) natural or artificial, may take, hold, and dispose of mining claims and mining property, real or personal, tunnel rights, mill sites, quartz mills or reduction works used or necessary or proper for the reduction of ores, and water rights used for mining or milling purposes, and any other lands or property necessary for the working of mines or the reduction of the products thereof: *Provided*, That Chinese, or persons of Mongolian descent, not born in the United States, are not permitted to acquire title to land or any real property under the provisions of this act.

SEC. 3. No person not a citizen of the United States, or who has not declared his intention to become such, or who is not eligible to become such, shall be employed upon any State or municipal works, nor shall any such person be employed by any contractor to work on any public works of the State or any municipality: *Provided*, That any State

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prisoner may be employed within the State prison grounds and as provided in section 3, article 13, of the constitution.

SEC. 4. Any person who shall violate any of the provisions of section 1 of this act, on conviction thereof, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each person so employed, or by imprisonment in the county jail until such fine is paid, or until discharged as provided by law.

SEC. 5. It shall hereafter be unlawful for any county government or municipal or private corporation organized under the laws of this State, or organized under the laws of another State or Territory or in a foreign country and doing business in this State, to give employment in any way to any alien who has failed, neglected, or refused, prior to the time such employment is given, to become naturalized or declare his intention to become a citizen of the United States.

SEC. 6. Whenever employment has been innocently given to any alien by any county government, municipal or private corporation mentioned in section 1 of this act, and complaint shall be made in writing by any person to the officers of the county government, or municipal corporation, or general manager, superintendent, foreman, or other agent of the private corporation having charge or superintendency of the labor of such alien employee, that such employee is an alien he shall forthwith discharge such employee from employment unless said employee shall produce his declaration to become a citizen, or his certificate of naturalization, or a duly certified copy thereof.

SEC. 7. Any public officer or any county government or municipal corporation, or any general manager, superintendent, foreman, or other agent of any private corporation, or any contractor or agent of any company engaged in public work, who shall violate any of the provisions mentioned in this act, who shall knowingly give employment to any alien or who having innocently given such employment shall on complaint being made to him by any person fail or refuse to discharge any such employee forthwith on the failure or refusal of such employee to produce for his inspection and the inspection of the complainant his declaration of intentions to become a citizen or certificate of naturalization, as provided in section 2 of this act, shall be deemed guilty of a misdemeanor.

SEC. 8. Whereas an emergency exists this act shall take effect and be in force from and after its passage.

Approved, February 2, 1899.

II.

[Idaho State Laws, 1899, H. B. No. 225, p. 394.]

AN ACT Establishing a bureau of immigration, labor, and statistics for the State of Idaho, providing for the appointment of a commissioner of said bureau, fixing the salary, and defining the duties of said commissioner.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. In conformity with the requirements of section 1, article 13, of the constitution of the State of Idaho, a bureau of immigration, labor, and statistics is hereby established.

SEC. 2. It shall be the duty of the governor, by and with the consent of the senate, to appoint immediately after the passage of this act a

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competent person as commissioner of immigration, labor, and statistics, who shall have charge of said bureau, and who shall hold his office for the term provided in said article 13 of the constitution. He shall receive a salary of one thousand eight hundred dollars per year and all necessary traveling expenses not exceeding six hundred dollars per annum while traveling in the discharge of his official duties, to be paid as is the salary and fees of other State officers. The secretary of state shall provide suitable room for the use of said bureau and furnish the necessary fuel, light, and appurtenances. All books, papers, and documents in the office of said commissioner shall be deemed public records of the State and shall be transferred by him to his successor in office.

SEC. 3. It shall be, and is hereby, made the duty of said commissioner to collect and compile all reliable data and information at his command concerning the climate, soil, and various resources of the State; its agricultural, horticultural, mineral, timber, and grazing lands, and industries, and the development thereof; the water courses and lakes of the State in reference to irrigation, manufacturing, mechanical, and other uses; the various crop products and the adaptability of different soils and localities for the production of different crops; the number, kinds, and value of domestic animals in the State, with the useful information regarding the same; the number of public schools, educational institutions, churches, charitable and fraternal organizations; health and pleasure resorts and health statistics of the State; the number and mileage of railroads and other transportation lines; the number and capacity of irrigation canals and the lands covered by the same; the number and location of newspapers and periodicals in the State; the amount of public and school lands and that belonging to various public institutions of the State; the wages and hours of labor, both skilled and common, and its relation to capital; and, generally, any information which, if disseminated abroad, would tend to the development of the State by inducing population and capital within its borders. Said commissioner shall also inform himself in regard to suitable locations for agricultural and horticultural colonies in the State, and use all facilities at his command for encouraging and promoting desirable enterprises of this kind. To this end, he shall endeavor to secure low rates of transportation favorable to immigrants by urging the cooperation of railroads and other corporations interested in the settlement of the State. He shall also open correspondence with, and answer any and all inquiries from, those seeking information in regard to the resources of the State.

SEC. 4. In order to enable said commissioner to secure the above-required information, he is hereby clothed with the power to call upon officers of State, county assessors, superintendents of public instruction, and other officers for such information as he may desire and deem valuable in his department.

SEC. 5. It shall be the duty of the commissioner to keep in his office for exhibit such samples of the productions of the State, including grains, grasses, fruits, vegetables, minerals, manufactured articles, and other products as may be contributed by towns and counties, without expenses to the State, the same to be arranged

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so that each town or county shall receive due credit therefor. He shall, whenever practicable, organize and encourage local exhibits at such points as would tend to advertise the resources of the State, and whenever funds are available for such purposes shall also make, or cause to be made, exhibits of the products and industries of the State at such industrial and international exhibitions in other States as the governor shall direct.

SEC. 6. Said commissioner shall cause to be printed and distributed such pamphlets, circulars, cards, and maps, and to publish from time to time through the public press such information as, in the judgment of said commissioner, would tend to carry out the objects sought by this act and result in the largest possible benefit to the State.

SEC. 7. Said commissioner shall receive the salary and mileage hereinbefore provided for and be allowed the actual cost of the printing and supplies necessary for the publication and distribution of the matter heretofore mentioned: *Provided*, That the allowance for such printing and supplies shall not exceed the aggregate sum of two thousand dollars in any one year.

SEC. 8. The commissioner shall, on or before the 1st day of January in each year, transmit to the governor a full and complete report of the doings of his office (including a tabulated statement of all statistics accumulated in his office) and a detailed and itemized account of the expenses thereof.

SEC. 9. The commissioner shall collect information on the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity, and assort, systemize, print, and present in annual reports to the governor on or before the 1st day of January in each year statistical details relating to all departments of labor in this State, including the penal institutions thereof, particularly concerning hours of labor, the number of laborers and mechanics employed, the number of apprentices in each trade, with the nativity of such laborers, mechanics, and apprentices, wages earned, the savings from the same, the culture, moral and mental, with age and sex, of laborers employed, and number and character of accidents, the sanitary conditions of institutions and other places where labor is employed, as well as the influence of the several kinds of labor and the use of intoxicating liquors upon the health and mental condition of the laborer, the restrictions, if any, which are put upon apprentices when indentured, the proportion of married laborers and mechanics who live in rented houses, with the annual rental of same, the average number of members in the families of married laborers and mechanics; the value of property owned by laborers and mechanics, together with the value of property owned by such laborers or mechanics (if foreign-born) upon their arrival in this country, and the length of time they have resided here, the subject of cooperation, strikes, and other labor difficulties, trades unions, and other labor organizations, and their effect upon labor and capital, with such other matter relating to the commercial, industrial, and sanitary condition of the laboring classes, and permanent prosperity of the respective industries of the State, as such bureau may be able

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to gather, accompanied by such recommendations relating thereto as the bureau shall deem proper.

SEC. 10. That the sum of seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the salary of said commissioner and the expenses of his office, as in this act provided, for the period of two years from and after this act shall take effect.

SEC. 11. Whereas an emergency exists, this act shall take effect and be in force from and after its passage.

Approved, March 2, 1899.

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INDIANA.

DIGEST OF IMMIGRATION AND ALIEN LAW.

Act of 1885 (an act to prohibit the importation and migration of aliens, foreigners, and others under contract or agreement to perform labor within the State of Indiana).—The tide of immigration flowing westward from eastern seaports of the United States has required legislative restriction rather than acceleration by the people of Indiana. Accordingly, an act was passed in 1885 to "prohibit the importation and migration of aliens, foreigners, and others under contract or agreement to perform labor within the State of Indiana." Any contracts for labor or service made with proposed immigrants prior to becoming residents or citizens of this country shall be void. And any persons or association of persons violating this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined from $100 to $5,000. Temporary foreign residents of the United States may contract for secretaries, servants, or domestics. Skilled labor not available in this country may be employed under contract. Professional actors, artists, singers, lecturers, and personal and domestic servants are excepted from the operation of this law. Individuals may assist relatives and friends to migrate to the State to settle.

IMMIGRATION AND ALIEN LAW.

ACT OF 1885.

[Indiana State Laws, 1885, ch. 51, p. 153.]

AN ACT To prohibit the importation and migration of aliens, foreigners, and others under contract or agreement to perform labor within the State of Indiana.

Be it enacted by the general assembly of the State of Indiana:

SECTION 1. That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsover, to prepay transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the State of Indiana under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in this State.

SEC. 2. That all contracts or agreements, express or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation and any foreigner or foreigners, alien or aliens, to perform labor or service, or having reference to the performance of labor or service, by any person in the State of Indiana previous to the migration or importation of the person

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or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.

SEC. 3. That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same by knowingly assisting, encouraging, or soliciting migration or importation of any alien or aliens, or of any foreigner or foreigners, into the State of Indiana to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five thousand dollars.

SEC. 4. That nothing in this act shall be so construed as to prevent any citizen or subject of any foreign country temporarily residing in the United States, either in a private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigner temporarily residing in the United States, nor shall this be so construed as to prevent any person or persons, partnership or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the State of Indiana in or upon any new industry not at present established in the State: *Provided*, That skilled labor for that purpose can not otherwise be obtained; nor shall the provisions of this act apply to professional actors, artists, lecturers, or singers, nor to persons employed strictly as personal or domestic servants: *Provided*, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family, or relative, or personal friend to migrate from any foreign country to the State for the purpose of settlement here.

Approved, April 8, 1885.

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IOWA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1860 (an act for the establishment of a commissioner in the city of New York and to promote immigration to the State of Iowa).—The acts of Iowa for 1860 provide for the establishment of a commissioner in the city of New York to promote immigration to the State of Iowa. It shall be his duty to give information about the soil and climate of the State, the profitable branches of business to be pursued, the cheap and expeditious routes to the State, and other matters serving to protect immigrants from impositions. It shall be his duty to report the details of his labors and plans to the governor as often as required. He shall receive a salary of $1,200 a year. An appropriation is made for his general expenses and for publishing literature describing the State's resources. The governor may remove the commissioner for inefficiency or misconduct.

Act of 1862 (an act to repeal the statute of 1860).—By the act of 1862 the prior act creating a commissioner of immigration was repealed and the office abolished.

Act of 1870 (an act to encourage immigration to the State of Iowa).—In 1870 a statute was enacted creating a board of immigration composed of seven members, the governor to be ex officio president. It shall be the duty of the board to do everything feasible to encourage immigration into the State. A secretary shall be elected and shall act as commissioner of immigration. The board may appoint traveling agents to aid and advise immigration. It shall cooperate with the federal board at Washington. It shall report results of transactions to each session of the general assembly as a basis for further legislation. For two annual meetings members of the board shall receive the amount of mileage allowed members of the assembly. Five thousand dollars a year is available to the board for all purposes.

It shall be the duty of the commissioner to prepare, publish, and distribute documents containing correct information for immigrants relative to the State's climate, soil, productions, schools, railroads, and other matters of interest. It shall be his duty to communicate with persons and associations engaged in promoting immigration and to secure publicity for the State in eastern periodicals. He shall report annually to the board.

Act of 1872 (an act to encourage and promote immigration to the State of Iowa). By the act of 1872 the prior act of 1870 was amended for the purpose of further promoting and encouraging immigration to Iowa. It provides that the board of immigration shall be composed of five members including the governor, who shall be ex officio president and who shall appoint four members for terms

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of two years. Ten thousand dollars is appropriated for expenses for the ensuing two years.

Act of 1880 (an act to provide for the appointment of a commissioner of immigration).—The act of 1880 provides for the appointment of a commissioner of immigration by the governor. The commissioner shall maintain his office in Des Moines. He shall direct his efforts to inducing "capital and industry to seek investment and employment in the development and improvement of the agricultural, mining, and manufacturing resources of the State." Five thousand dollars a year is appropriated for the purposes defined. The commissioner shall receive a yearly salary of $1,200, and shall file a report of all official disbursements with the auditor at the end of each quarter.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1860.

[Iowa State Laws, 1860, ch. 53, p. 60.]

AN ACT To provide for the establishment of a commissioner in the city of New York, to promote immigration to the State of Iowa.

Be it enacted by the general assembly of the State of Iowa:

SECTION 1. That a commissioner of immigration for the State of Iowa shall be appointed by the governor, with the consent of the senate, who shall hold his office for two years from the 1st day of May next, and shall reside and keep an office in the city of New York at least from the 1st day of May until the 1st day of December in each year, which office shall be kept open at all reasonable business hours between the dates aforesaid, and to give to immigrants the necessary information in relation to the soil and climate of the State, and the branches of business to be pursued with advantages therein, and the cheapest and most expeditious route by which the same can reach the State, and to give such further information as will, as far as practicable, protect immigrants against the impositions often practiced upon them; to report to the governor as often as required, and in the manner to be prescribed by him, the number of immigrants sent by him to the State, their nationality, and the branches of business intended to be pursued by them.

SEC. 2. The governor shall have power to remove such commissioner for inefficiency and misconduct in the discharge of the duties of his office, and to appoint some proper person in his place.

SEC. 3. The following sums of money are hereby appropriated out of any moneys in the state treasury not otherwise appropriated to carry out the objects of this act, the sum of two thousand four hundred dollars for the salary of said commissioner of immigration for two years; a sum not exceeding one thousand dollars, to be expended under the direction of the governor in a publication of a description of the State, in English, German, and such other languages as the governor shall deem advisable; a sum not exceeding one thousand one hundred dollars for office rent, furnishing the same, and for maps and books to be used in the office of the commissioner of immigration.

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SEC. 4. The salary of said commissioner shall be paid to him quarterly, in advance, and the remainder of the sums appropriated shall be paid on the order of the governor in such sums and at such times as the governor shall direct.

SEC. 5. *And be it further enacted*, That if said commissioner shall, directly or indirectly, take or receive any fee, compensation, or reward, except said salary, he shall be deemed guilty of felony, and shall be punished by imprisonment in the state's prison for not less than one nor more than five years.

SEC. 6. This act shall take effect from and after its publication in the Daily Iowa State Register and the Daily Iowa State Journal, published at Des Moines.

Approved, March 30, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 11, 1860, and in the Iowa State Journal April 7, 1860.

ELIJAH SELLS,
Secretary of State.

ACT OF 1862.

[Iowa State Laws, 1862, ch. 2, p. 10.]

AN ACT To repeal chapter 81 of the laws of the eighth session of the general assembly, passed March 30, 1860, entitled "An act to provide for the establishment of a commissioner in the city of New York to promote immigration to the State of Iowa."

Be it enacted by the general assembly of the State of Iowa:

SECTION 1. That chapter 81 of the laws of the eighth general assembly of the State of Iowa entitled "An act to provide for the establishment of a commissioner in the city of New York to promote immigration to the State of Iowa," be, and the same is hereby, repealed.

SEC. 2. Nothing in this act contained shall be so construed as to limit the term of office of the present incumbent, which expires on the 1st day of May, A. D. 1862.

SEC. 3. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Weekly Iowa State Register and Des Moines Times.

Approved, February 17, 1862.

I hereby certify that the foregoing act was published in the Weekly Iowa State Register and Des Moines Times February 19, 1862.

ELIJAH SELLS,
Secretary of State.

ACT OF 1870.

[Iowa State Laws, 1870, ch. 84, p. 83.]

AN ACT To encourage immigration to the State of Iowa.

Be it enacted by the general assembly of the State of Iowa:

SECTION 1. That there is hereby created a board of immigration which shall be composed of seven members. The governor of the State shall be ex officio president of the board, and he shall appoint

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one member from each congressional district for two years and until their successors are elected and qualified.

SEC. 2. The board of immigration shall meet in the city of Des Moines on the first Monday in April of each year.

SEC. 3. It shall be the duty of this board to do all, and everything, which may and will enhance and encourage immigration into this State, either from the Eastern States of the United States or from the Eastern Hemisphere.

SEC. 4. The board shall elect at their first meeting a secretary, from their own number or outside of the same. The secretary shall act as commissioner of immigration. He shall be a person who is familiar with the agricultural, mineral, and other resources of the State, and it shall be his duty to prepare, publish, and distribute pamphlets and documents, setting forth facts and statistics, illustrating the advantages and material resources of the State, and containing correct information for immigrants, in relation to its climate, soil, production[s], schools, railroads, and all other matters of interest to said immigrants. It shall further be the duty of said commissioner to maintain correspondence with associations and parties generally interested in immigration, and may publish, or cause to be published, in eastern journals, essays and articles treating on and describing truly the agricultural, mineral, commercial, social, and other characteristics of the State. The said secretary shall act under the control of the board of immigration, and shall [make a] report of his doings to the same at their annual meeting.

SEC. 5. The secretary shall receive a just compensation for his services, [to be] determined by the board, [and] to be paid out of the funds created [as] hereinafter provided.

SEC. 6. The board of immigration shall have power, whenever deemed expedient by them, to appoint an agent or agents, either for the Eastern States of the United States or for Europe, for the purpose of aiding and advising immigration; and such agent or agents shall act solely under the instruction of the board of immigration, who shall also fix and allow them a just compensation for their services.

SEC. 7. In case of a vacancy in the board, occurring by death, removal, resignation, or otherwise, such vacancy shall be filled by the governor.

SEC. 8. It shall be the duty of said board to cooperate with the board of immigration at Washington City, and to make regular reports of their labor and proceedings to the general assembly of the State, accompanied by such references, suggestions, and statistics as may furnish good and reliable data and a proper basis for further legislation on the subject of immigration.

SEC. 9. The members of the board shall receive no compensation for their services, but shall be allowed the same amount of mileage that is allowed the members of the general assembly, to be paid out of the state treasury, but shall in no case be allowed for more than two meetings in one year.

SEC. 10. For the purpose of carrying the provisions of this act into effect, the sum of five thousand dollars, or so much of it as may be necessary, which amount shall include the salary of the secretary,

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is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, and to be audited and paid as claims may accrue, under the provisions of this act; orders to be drawn by the president and countersigned by the secretary of the board.

SEC. 11. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily Iowa State Register and Homestead, newspapers published in the city of Des Moines, Iowa.

Approved, March 23, 1870.

I hereby certify that the foregoing act was published in the Daily Iowa State Register, March 29, and in the Iowa Homestead, April 1, 1870.

ED. WRIGHT,
Secretary of State.

ACT OF 1872.

[Iowa State Laws, 1872, ch. 23, p. 25.]

AN ACT To encourage and promote immigration to the State of Iowa.

Be it enacted by the general assembly of the State of Iowa:

SECTION 1. That the sum of ten thousand dollars, or so much thereof as may be necessary, which amount shall include the salary of the secretary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be audited and paid as claims may occur under the provisions of this act, orders to be drawn by the president and countersigned by the secretary of the board: *Provided*, That no money appropriated by the provisions of this act shall be paid as a salary to any agent who may receive a commission as agent from the board of immigration.

SEC. 2. That section 1 of chapter 34 of the laws of the thirteenth general assembly be hereby so amended as to read:

The board of immigration shall be composed of five members, including the governor of the State, who shall be ex officio president of the board, and shall appoint four members of said commission, who shall hold for two years and until their successors are elected and qualified.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Daily Leader, newspapers published at Des Moines, Iowa.

Approved, April 6, 1872.

I hereby certify that the foregoing act was published in the Daily State Leader April 6, and in the Daily Iowa State Register April 7, 1872.

ED WRIGHT,
Secretary of State.

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ACT OF 1880.

[Iowa State Laws, 1880, ch. 168, p. 164.]

AN ACT To provide for the appointment of a commissioner of immigration, and to define his duties, and to make an appropriation to pay the expense thereof.

Be it enacted by the general assembly of the State of Iowa:

SECTION 1. That a commissioner of immigration for the State of Iowa shall be appointed by the governor, by and with the advice of the executive council, who shall hold his office for the period of two years from the 1st day of May, 1880.

SEC. 2. Said commissioner shall keep an office in the city of Des Moines and shall give his time and attention to such efforts as may be specially approved by the executive council to induce capital and industry to seek investment and employment in the development and improvement of the agricultural, manufacturing, and mining resources of the State.

SEC. 3. There is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, the sum of five thousand dollars a year for two years, to be expended by such commissioner under the general direction and special approval of the executive council, in showing to the people of the United States the natural advantages and resources of the State of Iowa, said money to be drawn from time to time upon the recommendation of the governor, which shall include the salary of the commissioner.

SEC. 4. At the expiration of each three months after his appointment such commissioner shall make and file in the office of the auditor of the State an itemized statement, duly verified by his oath, showing when, to whom, and for what purpose the funds drawn by him have been expended.

SEC. 5. Said commissioner shall receive a salary of twelve hundred dollars per annum, to be paid quarterly.

SEC. 6. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the Iowa State Register April 2, and in the Iowa State Leader April 5, 1880.

J. A. T. HULL,
Secretary of State.

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KANSAS.

DIGEST OF IMMIGRATION AND ALIEN LAW.

Act of 1864 (an act to establish a bureau of immigration and appoint agents therefor).—A bureau of immigration was established in Kansas by statute of 1864. The governor is empowered to appoint two immigration commissioners. The bureau shall have power to appoint agents to visit Europe for the purpose of encouraging and directing immigration to this State; to make contracts for low rates of fare for immigrants, and to perform all functions contemplated by this act. The bureau shall compile and publish for general publicity and for annual report to the legislature facts and statistics about the State's resources and character, about the transactions of the bureau, and about any other matters of general interest, in conformity to the purposes of the act. The faculties of the state institutions for higher education shall furnish the bureau any available scientific data. The assessors of each county shall furnish an annual report of the proportions of land vacant and cultivated, and other information relative to the county's resources. The state geologist shall supply an abstract of his investigations. The bureau shall promote the organization of a state immigration society to cooperate with it.

Five thousand dollars a year is appropriated for executing the provisions of the act, and the commissioners are required to give bond for $2,000.

IMMIGRATION AND ALIEN LAW.

ACT OF 1864.

[Kansas State Laws, 1864, ch. 75, p. 143.]

AN ACT To establish a bureau of immigration, and appoint agents therefor.

Be it enacted by the legislature of the State of Kansas:

SECTION 1. That the governor be, and he is hereby, empowered to appoint, by and with the consent of the senate, two commissioners of immigration, who, together with the governor, shall constitute a bureau of immigration, which shall have power to appoint one or more agents to visit Europe for the purpose of encouraging and directing immigration to this State, to make contracts with railroad and packet companies for the purpose of securing a low rate of fare to immigrants, and to perform such other functions as may be necessary to secure the ends aimed at in this act: *Provided, however*, That said bureau of immigration, or its agents, shall not, under any consideration, involve the State in any indebtedness or expense in amount exceeding the sum appropriated by this act.

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SEC. 2. The bureau of immigration shall each year collect and compile for publication in an annual report to the legislature, and also in such other forms as they may judge best and necessary to aid the object of the bureau, all statistics and facts relating to the character and resources of this State, the amount of money received and expended by them, and all such other information as shall be of general interest to the State and calculated to subserve the designs of this act.

SEC. 3. It shall be the duty of the faculty of the State Agricultural College, of the State Normal School, and of the State University, when organized, to carefully preserve a daily meteorological record which, with all such other information relative to climate, soils, minerals, and all other scientific facts bearing upon the resources of the State that such faculties may be able to gather, shall be forwarded for publication to the office of the bureau at the capital.

SEC. 4. It shall be the duty of the county assessors of the several organized counties in the State to prepare annually a report of the amount of lands in their several counties, what proportion may be vacant, what under cultivation, and all such other information as they may possess, tending to increase a knowledge of the various counties of the State, and forward the same to this bureau.

SEC. 5. It shall be the duty of the state geologist to prepare an abstract of such investigations he may have made as to the soil, minerals, coal, salt springs, and other information which came within the legitimate duty of this office to gather, at such times as the bureau of immigration may require.

SEC. 6. That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any moneys not otherwise appropriated, for the purpose of defraying the expenses of agents to be sent to Europe, and other expenses incidental to the operations of this bureau; and the governor is hereby empowered to direct the auditor to draw his warrants upon the treasurer for such amounts as the bureau shall deem proper, not exceeding the above amount, such vouchers to be marked "Immigration fund," and the state treasurer shall pay each at sight.

SEC. 7. The aforenamed commissioners shall enter upon their duties on the 1st day of April, A. D. 1864, and remain in office for one year, and shall take the required oath of state officers, and shall each give bonds in the amount of two thousand dollars, to be approved by the governor, conditioned to faithfully perform the duties required by their appointment and this act.

SEC. 8. The bureau of immigration shall, as much as possible, encourage and try to effect the organization of a state immigration society, which shall cooperate with this bureau in aid of immigration.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved, February 26, 1864.

THOMAS CARNEY, *Governor.*

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KENTUCKY.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1892 (an act concerning citizens, expatriation, aliens).—The act of 1892 was passed to define the property rights of aliens and to prescribe the process by which citizens may secure expatriation.

Act of 1906 (an act creating a state board of agriculture, forestry, and immigration; specifying the duties and appropriating money).—The act of 1906 created a state board of agriculture, forestry, and immigration, consisting of nine members. The governor shall appoint the members of the board, the director of the Kentucky Experiment Station, and a commissioner of agriculture, forestry, and immigration. The commissioner shall see that a farmers' and industrial institute is held annually in each county. The board shall act as an immigration committee. It shall collect and publish information showing the class of immigrants entering the State and causes of emigration from the State.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1892.

[Kentucky State Laws, 1892, ch. 36, p. 54.]

AN ACT Concerning citizens, expatriation, aliens.

Be it enacted by the general assembly of the Commonwealth of Kentucky:

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, and who reside in the Commonwealth of Kentucky, shall be deemed citizens thereof.

SEC. 2. Whensoever any citizen of this State, by deed in writing, in the presence of, and subscribed by, two witnesses and acknowledged or proved in the county court of the county in which he resides, or by open declaration made in such court and entered of record, shall declare that he relinquishes the character of a citizen of this State, and shall depart out of the same with the intention, in good faith, to remain absent therefrom, such person shall, from the time of his departure, be considered as having exercised his right of expatriation, so far as regards this State, and shall not thenceforth be deemed a citizen thereof. When any citizen of this State shall reside elsewhere, and, in good faith, become a citizen of some other State of this Union, or the citizen or subject of a foreign State or sovereign, he shall not, while the citizen of another State, or the citizen or subject of a foreign State or sovereign, be deemed a citizen of this State. No act of any citizen under this section shall have any effect if done while the United States shall be at war with a foreign power.

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SEC. 3. An alien not being an enemy shall, after he has declared his intention to become a citizen of the United States according to the forms required by law, be enabled to recover, inherit, hold, and pass by descent, devise, or otherwise, any interest in real or personal property in the same manner as if he were a citizen of this Commonwealth.

SEC. 4. Any alien who shall have purchased, or contracted to purchase, any real estate, or who shall hold or have title thereto, and who shall become a citizen of the United States before the same is escheated by a proper procedure, which may be done at any time after the expiration of eight years from the time the title is acquired, and any purchaser, lessee, heir, or devisee, from him, if a citizen of the United States who shall before the property is escheated become the owner thereof by purchase or inheritance, shall take and hold the same free and released from any right or claim of the Commonwealth by reason of such person's having been an alien.

SEC. 5. Any woman whose husband is or shall be a citizen of the United States, and any person whose father or mother at the time of his birth was or shall be a citizen thereof, although born out of the United States, may take and hold real or personal estate by devise, purchase, descent, or distribution.

SEC. 6. An alien, the subject or citizen of a friendly State, may take and hold any personal property except chattels real; and any such alien, if he reside within this State, may take and hold any lands for the purpose of residence, or of occupation by him or his servants, or for the purpose of any business, trade, or manufacture, for a term not exceeding twenty-one years. An alien so taking and holding shall have like rights, remedies, and exemptions touching such property as if he were a citizen of the United States.

SEC. 7. If real estate within this Commonwealth shall pass to a nonresident alien by descent or devise, the same may for the period of eight years next after the final settlement of the estate of the decedent from whom it was acquired be held and alienated by such nonresident alien. If the heir or devisee aforesaid be a minor, the real estate aforesaid may be held for his benefit by a guardian or curator, and may be sold by proper proceeding had in conformity with the laws regulating sales of infant's real estate if commenced within the period first above specified.

SEC. 8. If a nonresident alien hath obtained possession of real estate acquired by descent or devise, and shall die before the expiration of the period limiting his right of enjoyment or sale, the right thus acquired shall pass by descent or devise; if to an alien to be held for or disposed of within the period aforenamed; but if to a citizen of the United States then such person shall take the title as fully as if the ancester had himself been a citizen.

Approved, April 29, 1892.

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ACT OF 1906.

[Kentucky, Acts 1906, ch. 90, p. 367.]

AN ACT Creating a state board of agriculture, forestry, and immigration, specifying the duties thereof, and appropriating money therefor.

Be it enacted by the general assembly of the Commonwealth of Kentucky:

SECTION 1. That sections 37 and 38 of chapter 4 of the Kentucky Statutes, being a part of an act of April 2, 1894, be, and the same is hereby, repealed and the following enacted in lieu thereof:

SEC. 2. That there be, and is hereby, created a state board of agriculture, forestry, and immigration, to consist of nine members, namely, the commissioner of agriculture, labor, and statistics, ex officio chairman; the director of the Kentucky Experiment Station, at Lexington, Ky., an ex officio member, and one intelligent citizen from each of the appellate court districts in the State, to be selected and hold office as hereinafter provided; said members from the appellate districts to be experienced and practical farmers.

SEC. 3. Upon the passage of this act, the governor shall appoint, first, the director of the experiment station to serve until the 1st of January, 1908, and shall reappoint him every four years thereafter: *Provided*, That should the director of the experiment station resign or be removed from his office of director of said station, this fact shall terminate his membership on the said board, and the governor shall appoint his successor as director of the experiment station as his successor on said board; and, second, seven members, one from each appellate court district, two of whom shall serve until the 1st day of March, 1907; two of whom shall serve until the 1st day of March, 1908; and two of whom shall serve until the 1st day of March, 1909; and one of whom shall serve until the 1st day of March, 1910; or until their successors are elected and qualified, as provided hereinafter.

* * * * * * *

SEC. 10. Said board shall act as an immigration committee, and shall collect information as to wages paid for labor in the different sections of the State, and the kind of labor needed, and shall cause the same to be printed and distributed. It shall also ascertain the class of immigrants coming to this State, and shall collect statistics showing as nearly as possible the number of persons and their destination emigrating from the State, and the causes leading thereto. For the purposes specified in this section they may expend as much as two thousand dollars annually of the amount appropriated in this act, but it is not obligatory upon them to expend any portion of the appropriation unless, in their judgment, it is necessary to do so in the furtherance of the welfare of the State.

SEC. 11. The commissioner of agriculture, labor, and statistics may appoint a clerk and stenographers of the board, subject to the approval of said board. The clerk shall be an able, well-qualified man for the place, and shall give his entire time to the services of the State. He may act as an assistant commissioner or as an instructor at the county institutes, but shall receive no additional pay therefor, except his actual expenses, or perform other duties as-

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signed him by the commissioner. The commissioner shall collect each year a report of the work done by the state and county institutes, or such part of the work as he may deem valuable information for the citizens. Twenty-five thousand copies of his institute report shall be published annually in book form, and shall be distributed free as nearly as possible in proportion to the agricultural population of the several counties, and the board is hereby authorized to have same printed. The board may expend as much as three thousand dollars per annum for salaries of clerks and stenographers, which sum, or any part thereof, shall be paid out of the appropriation made for the use of this board.

SEC. 12. The members of this board shall receive five dollars per day and actual traveling expenses while attending meetings of the board, but the total number of days the board may be in session shall not exceed thirty per year.

SEC. 13. For the purpose of carrying out the provisions of this act the sum of twenty thousand dollars per annum, in addition to the amount already appropriated for the benefit of the bureau of agriculture, labor, and statistics, is hereby appropriated out of any money in the treasury not otherwise appropriated for the use of the said bureau of agriculture, labor, and statistics. The clerk of the board shall certify to all expenditures of the board to the chairman, who, in turn, shall certify them to the governor for his approval, and upon his approval he shall authorize the auditor of public accounts to draw his warrant upon the treasurer for the amount.

SEC. 14. All laws or parts of laws in conflict with this act are, to the extent of such conflict, hereby repealed.

Approved, March 21, 1906.

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LOUISIANA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1866 (an act to organize a bureau of immigration, to prescribe the duties thereof, and to provide for the expenses of the same).—The act of 1866 granted power to establish a bureau of immigration in New Orleans for the purpose of encouraging immigration to the State by diffusing information abroad and protecting and assisting such immigrants as may settle therein. The governor shall appoint a bureau chief at the annual salary of $3,500. It shall be the duty of the chief to collect, compile, publish, and diffuse complete data about the State's interests, resources, and advantages.

Act of 1869 (an act to reorganize the bureau of emigration, and for measures to develop the resources and increase the population and wealth of the State).—The act of 1869 provides for the appointment of six commissioners of emigration "to attract emigration and capital to Louisiana, and to aid in developing her resources." The commissioners shall have general supervision of measures for inducing, regulating, or excluding immigration. Masters of vessels shall report general facts about foreign passengers entering Louisiana ports. Provision is made for bonds and commutation. Foreigners likely to become a public charge shall be excluded, unless bond is given to indemnify the State against expense. Provision shall be made for foreigners who may become public charges. Agents and clerks shall be appointed. An annual report shall be submitted to the legislature. The governor shall fill vacancies on the board. Penalties accruing shall be sued for and recovered. Commissioners shall not make contracts with the board. Property of deceased emigrants shall be duly cared for and distributed. The commissioners shall keep a complete register of emigrants; and shall publish statistical data about all matters of interest to the settler or investor. Emigrant depots shall be maintained and emigrants cared for temporarily. A labor exchange shall be conducted. Information about lands and homesteads shall be furnished emigrants.

Act of 1874.—The act of 1874 repeals the act of 1869, creating the commission of immigration, to establish a bureau of immigration, together with proper police regulations for the government, supervision, and protection of immigrants arriving at the port of New Orleans; to save the State harmless from the importation from foreign countries of such persons as are apt to become charges upon the State; and to increase the revenue of the Charity Hospital. The essential provisions are otherwise similar to those of the act repealed.

Act of 1894 (agriculture and immigration).—An act was passed in 1894 to create a bureau of agriculture and immigration; to prescribe its powers and duties; to provide for the appointment of a commissioner of agriculture and immigration; to fix his salary; and to provide for the expenses of the bureau.

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IMMIGRATION AND ALIEN LAWS.

ACT OF 1869.

[Louisiana State Laws, 1866, No. 105, p. 198.]

AN ACT To organize a bureau of immigration, to prescribe the duties thereof, and to provide for the expenses of the same.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Louisiana, in general assembly convened*, That a bureau of immigration shall be, and is hereby, established in the city of New Orleans for the purpose of encouraging immigration to the State of Louisiana by diffusing information abroad and protecting and assisting such immigrants as may settle therein.

SEC. 2. *Be it further enacted, etc.*, That the bureau established by the first section of this act shall be under the charge of a citizen of the State of Louisiana, who shall be entitled chief of bureau.

SEC. 3. *Be it further enacted, etc.*, That the chief of said bureau of immigration shall be appointed by the governor of the State, by and with the advice and consent of the senate, for the term of two years, whose salary shall be thirty-five hundred dollars per annum, to be paid quarterly on his own warrant on the state treasurer, approved by the auditor of public accounts.

SEC. 4. *Be it further enacted, etc.*, That it shall be the duty of the chief of the bureau of immigration to collect and have published in English, French, and German, and such other languages as he may think proper, statistical information setting forth the advantages of soil, climate, and productions which Louisiana presents to the enterprising immigrant; to publish and distribute abroad, in the aforesaid languages and such others as he may select, this act of the general assembly, and all other acts thereof as may relate to the encouragement of immigration and the protection of the immigrant; to appoint agents of immigration in foreign countries, whose salaries shall not exceed the sum of five hundred dollars each per annum, and whose members shall not exceed five, to assist any and all immigrants from said countries who may desire to settle in Louisiana by giving counsel and information; in making contracts for public means of transportation; to bring to the port of New Orleans at the lowest rates of passage possible such immigrants as may elect to come to said port, and to make arrangements with steamboats, railroads, and other public means of transportation to convey immigrants who may elect to settle in Louisiana to their places of destination in a comfortable manner and at the least expense possible; to use every effort to inform, advise, and assist immigrants to Louisiana in order to protect them against imposition or false information; to negotiate with any steamship company to place a line of two or more steamers between New Orleans and Bremen and other foreign ports from which large numbers of persons emigrate to the United States; to visit and examine all vessels landing at the port of New Orleans which have immigrants on board, and to make a register of such immigrants, showing names, age, places of birth, sex, profession, trade, and destination, which register shall be filed in his office; to

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report to the bureau of immigration of the United States at Washington City all infractions of the passenger acts of the United States; to make a report annually to the general assembly of the State of the number of immigrants who have arrived, with a tabular statement showing ages, places of birth, sex, trade, profession, and destination of all immigrants who may have arrived during the year at the port of New Orleans, together with such information and recommendations as in his opinion may promote immigration to the State of Louisiana, together with a full statement of the expenses and operations of the bureau: *Provided*, Nothing in this section shall be so construed as to make the State liable for the passage money of any immigrant coming into this State.

SEC. 5. *Be it further enacted, etc.*, That the chief of bureau shall have power to appoint one or more clerks, as may be found necessary, not to exceed three, at a salary of fifteen hundred dollars per annum.

SEC. 6. *Be it further enacted, etc.*, That the sum of fifteen thousand dollars be, and is hereby appropriated to pay the salaries of the chief of the bureau of immigration and expenses of said bureau, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 7. *Be it further enacted, etc.*, That this act shall take effect from and after its passage.

J. B. ELAM,
Speaker pro tem. of the House of Representatives.
ALBERT VOORHIES,
Lieutenant-Governor and President of the Senate.

Approved, March 17, 1866.

J. MADISON WELLS,
Governor of the State of Louisiana.

A true copy.

J. H. HARDY,
Secretary of State.

ACT OF 1869.

[Louisiana State Laws, 1869, No. 93, p. 106.]

AN ACT To reorganize the bureau of emigration and for measures to develop the resources and increase the population and wealth of the State of Louisiana.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Louisiana in general assembly convened*, That in order to attract emigration and capital to Louisiana and to aid in developing her resources, the governor is hereby authorized and directed, by and with the advice and consent of the senate, to appoint six commissioners, two of whom shall hold their office for the term of two years, two for four years, and two for six years, and upon the expiration of their several terms of office their places shall be filled, as aforesaid, for the term of six years. The governor of this State and the president of the German Society shall, by virtue of their respective offices, be commissioners as aforesaid. The said commissioners shall be known as the "commissioners of emigration," and by that title shall be capable of suing and being sued. The said commissioners shall appoint one of their number to act as president of

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the board and general agent for the commission; all money appropriated for said commission by the general assembly or received for commutation, as hereafter provided, shall be paid out on the warrant of said commissioners or a majority of them. It shall be the duty of the said commissioners to provide for the maintenance and support of such of the persons for whom commutation money shall have been paid, as hereinafter provided, or on whose accounts bonds shall have been taken, as would otherwise become a charge upon any city, town, or parish of this State; and the said commissioners shall appropriate the moneys for that purpose in such manner as to indemnify so far as may be the several cities, towns, and parishes of the State for any expense or charge which may be incurred for the maintenance and support of the persons hereinafter mentioned. And the more fully to effect the object contemplated by this act, the said commissioners are authorized to apply in their discretion any part of the said money to aid in removing any of said persons from any part of the State to another part of this or any other State, or from this State, or in assisting them to procure employment and thus prevent them from becoming a public charge.

SEC. 2. *Be it further enacted, etc.*, That within twenty-four hours after the landing of any passenger or passengers from any ship or vessel arriving at the port of New Orleans from any of the United States other than this State, or from any country out of the United States, the master or commander of the ship or vessel from which such passenger or passengers shall have been landed, shall make a report in writing, on oath or affirmation, to the "commissioners of emigration," or to such person as they may designate and appoint as their agent, which report shall state the name, place of birth, last legal residence, age, and occupation of every person or passenger who shall have been landed from such ship or vessel on her last voyage to said port not being a citizen of the United States, and who shall have within the last twelve months arrived from any country out of the United States at any place within the United States, and who shall not have paid the commutation money or been bonded according to the provisions of this act; the same report shall contain a like statement of all such persons or passengers aforesaid as shall have been landed or suffered to land from any such ship or vessel at any place during such last voyage, or who shall have been put on board or suffered to go on board of any other ship, vessel, or boat with the intention of proceeding to and landing at the said city of New Orleans or elsewhere within the limits of this State. The said report shall further specify whether any of said passengers so reported are lunatic, idiot, deaf, dumb, blind, infirm, maimed, or above the age of sixty years, also designating all such passengers as shall be under the age of thirteen, or widows having families, or women without husbands having families, with the names and ages of their families, and shall further specify particularly the names, last place of residence, and ages of all passengers who may have died during the last said voyage of such vessel, also the names and residences of the owner or owners of such vessel. In case any such master or commander shall omit or neglect to report as aforesaid any such person or passenger, with the particulars aforesaid, or shall make any false report or statement in respect to any such person or passengers,

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or in respect to the owner or owners of any such vessel, or in respect to the particulars hereinbefore specified, such master or commander shall forfeit the sum of one hundred dollars for every such passenger, in regard to whom any such omission or neglect shall have occurred, or any such false report or statement shall be made, for which the owner or owners, consignee or consignees of every such ship or vessel shall also be liable, jointly and severally, and which may be sued for and recovered as hereinafter provided.

SEC. 3. *Be it further enacted, etc.*, That it shall be the duty of the said commissioners of emigration or their appointed agent, by an indorsement to be made on said report, to require the owner or consignee of the ship or vessel from which such persons were landed to give a several bond to the people of the State in a penalty of three hundred dollars for each and every person or passenger included in said report, such bond being secured as hereinafter provided and conditioned to indemnify and save harmless the commissioners of emigration and each and every city, town, and parish in this State from any costs which said commissioners or such city, town, or parish shall incur for the relief or support of the person named in the bond within five years from the date of such bonds, and also to indemnify and refund to the said commissioners of emigration any expense or charge they may necessarily incur for the support or medical care of the persons named therein. Each and every bond shall be secured by two or more sufficient securities, being residents of the State of Louisiana, each of whom shall prove by oath or otherwise that he is owner of a freehold in the State of the value of three hundred dollars over and above all and any claim or lien thereon or against him, including therein any contingent claim which may accrue from or upon any former bond given under the provisions of this act; or such bond may, at the option of the party, be secured by mortgage of real estate or by pledge and transfer of public stock of the United States or of the State of Louisiana, or of the city of New Orleans, or by deposit of the amount of penalty in some bank or trust company, such security, real or personal, having been first approved by the said commissioners of emigration. It shall be lawful for any owner or consignee, at any time within twenty-four hours after the landing of such persons or passengers from any ship or vessel in port of New Orleans, except as in the section herein provided, to commute for the bond or bonds so required by paying to the commissioners of emigration or their appointed agent the sum of two dollars for each and every passenger reported by him as by law required; the receipt of such sum by said commissioner or agent shall be deemed a full and sufficient discharge from the requirements of giving bonds as above provided, but no owner or consignee shall be authorized to commute for the bond so required for any passenger arriving in the port of New Orleans who may be sent to any hospital from shipboard by the health officer or by the authority of the board of health of the city of New Orleans on account of illness from ship fever, cholera, or yellow fever; the commissioners of emigration shall have authority to commute specially for any bond in such cases at such rates and in such manner as shall appear to them equitable and proper. It shall be the duty of the health officer to report without delay to the commissioners of emigration the names of all passengers sent by his

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order during the above-mentioned period from shipboard to any hospital on account of illness from ship fever, cholera, or yellow fever.

SEC. 4. *Be it further enacted, etc.*, That it shall be the duty of the commissioners of emigration to examine into the condition of passengers arriving at the port of New Orleans in any ship or vessel, and for that purpose all or any of the said commissioners, or such other person or persons as they shall appoint, shall be authorized to go on board and through any such ship or vessel; and if on such examination there shall be found among such passengers any lunatic, idiot, deaf, dumb, blind, maimed, or infirm person or persons above the age of sixty years, or widow with a child or children, or any woman without a husband and with a child or children, or any person unable to take care of himself or herself without becoming a public charge, or who, from sickness or disease existing at the time of departure from the foreign port are, or are likely soon to become, a public charge; or if it shall appear from the report of the master or commander of said ship or vessel that any of the class of persons described in this section of this act as likely to become a public charge have been brought on the said ship or vessel on her last voyage, thereupon the said commissioners of emigration, or their appointed agent, shall require, in addition to the commutation money, that the owner or consignee of such ship or vessel, with one or more sufficient sureties, shall execute a joint and several bond to the people of the State, in the penalty of five hundred dollars, for every such passenger conditioned to indemnify and save harmless the commissioners of emigration and each and every city, town, or parish within the State from any further cost or charge which said commissioners, or any such city, town, or parish, shall incur for the maintenance or support of the person or persons named in such bond, or any of them, within five years from the date of such bond. The securities to the said bonds shall be required to justify before and to the satisfaction of the officer making such endorsement, and by their oath or affirmation shall satisfy such officer that they are respectively residents of the State of Louisiana and worth double the amount of the penalty of such bond over and above all debts, liabilities, and all property exempt from execution. The subsequent indorsement authorized in this section may be made at any time within thirty days of such examination or of the landing of any such passenger or person. The commissioners of emigration shall have authority to commute specially for any bond in such cases at such rates and in such manner as shall appear to them equitable and proper.

SEC. 5. *Be it further enacted, etc.*, That in case any of the persons for whom commutation money has been paid as aforesaid or for whom a bond has been given as aforesaid shall at any time within five years from the payment of such money, or the execution of such bond become chargeable upon any city, town or parish within this State, it shall be the duty of the said commissioners to provide for the payment of any expense incurred by any such city, town, or parish for the maintenance and support of any such person out of the commutation money to be paid as aforesaid, and the money collected on such bonds so far as the same will enable them to do. The said commissioners shall prescribe such rules and regulations as they

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shall deem proper for the purpose of ascertaining the right and the amount of the claim of any city, town, or parish to indemnify under the provisions of this and the preceding section.

The said commissioners shall have power to provide for the support and maintenance of any person for whom commutation money shall have been paid, or on whose account a bond shall have been given as hereinbefore provided, and who shall become chargeable upon any city, town, or parish, in such manner as they shall deem proper, and after such provision shall have been made by such commissioners, such city, town, or parish shall not be entitled to claim any further indemnity for the support and maintenance of such person.

SEC. 6. *Be it further enacted, etc.*, That the said commissioners are authorized to employ an assistant agent and such clerks and servants as they shall deem necessary for the purposes aforesaid and to pay a reasonable compensation for their services out of the moneys aforesaid: *Provided*, That the salary of the assistant agent shall not exceed two thousand dollars per annum and that the salaries of the clerks shall not exceed fifteen hundred dollars per annum.

SEC. 7. *Be it further enacted, etc.*, That the said commissioners, shall annually, on or before the 1st day of February in each year, report to the general assembly the amount of moneys received under the provisions of this act during the preceding year, and the manner in which the same has been appropriated particularly.

SEC. 8. *Be it further enacted, etc.*, That in case of a vacancy in the said board of commissioners, the same shall be filled by an appointment to be made by the governor, by and with the advice and consent of the senate. The person so appointed shall hold his office for the remainder of the term of the person in whose place he shall have been appointed. The said commissioners shall in all cases be residents of the city of New Orleans.

SEC. 9. *Be it further enacted, etc.*, That the penalties and forfeitures prescribed by this act shall be sued for and recovered with costs of suit by and in the name of said commissioners of emigration in any court have cognizance thereof, and when recovered shall be applied to the purposes specified in this act. It shall be lawful for the said commissioners before or after suit brought, to compound for any of the said penalties or forfeitures upon such terms as they shall think proper.

SEC. 10. *Be it further enacted, etc.*, That the commissioners of emigration shall serve without pay, and shall annually make and return to the general assembly with their annual report an affidavit in and which they shall respectively swear and affirm each for himself, to the correctness of said report, and that he has not, directly or indirectly been interested in the business of boarding emigrants, in the transportation of any emigrant passengers through any portion of the interior of this country, or had made or received directly or indirectly any gain, profit, or advantage by or through the purchase of supplies, the granting of any contract or contracts herein, or licenses, privilege or privileges, or the employment of any officer, servant or agent, mechanic, laborer, or other person, in the business under the control of said commissioners: *Provided*, That nothing in this act shall prevent the commissioner appointed by the board to act as

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general agent of the commission from being paid such a salary for his services as shall be stipulated by the said board: *Provided further*, That the said salary shall not exceed the sum of three thousand five hundred dollars per annum.

SEC. 11. *Be it further enacted, etc.*, That if any person for whom a bond shall have been given as aforesaid, shall, within five years from the date of such bond, become chargeable upon any city, town, or parish of this State, or upon the commissioners of emigration, the said commissioners may bring an action on such bond in the name of the people of this State, and shall be entitled to recover on such bond exclusive of costs as shall be sufficient to defray the expenses incurred by any such, city, town, or parish, or the said commissioners, for the maintenance and support of the person for whom such bond was given as aforesaid.

SEC. 12. *Be it further enacted, etc.*, That wherever any alien emigrant whose personal property shall not exceed the value of twenty-five dollars shall die on the passage to the port of New Orleans, or in any hospital or other establishment under the charge of the commissioners, and in all cases in which minor children of alien passengers shall become orphans by their parents or last surviving parent dying, the personal property which such alien emigrant, or such parent or parents, may have had with them shall be taken in charge by the commissioners of emigration, to be by them appropriated for the sole benefit of the next of kin of such alien emigrant or of said orphan children; and said commissioners shall give in their annual report to the legislature a minute description of all cases in which property shall come into their possession by virtue of this section, and the disposition made of the same, unless it shall appear that there are other persons entitled by will or otherwise to such property or distributive share thereof. Whenever it shall appear, the portion only to which the next of kin or said minor orphans would be legally entitled shall be transferred to them or applied to their use, and the remainder shall be received, held, and distributed to the parties severally entitled thereto, in the same manner and with the same authority as by law provided in respect to the public administrator of the city of New Orleans, except that the said commissioners are hereby authorized to distribute the same after a notice for creditors to appear and put in their claims within one week from the publication of the said notice. The said notice shall be published once in one of the daily papers of the city of New Orleans.

SEC. 13. *Be it further enacted, etc.*, That it shall be the duty of the commissioners of emigration to collect and have published in English, French, and German, and such other languages as they may think proper, statistical information setting forth the aims of the commission, and the advantages of soils, climate, and productions which Louisiana presents to the enterprising emigrant; to assist any and all emigrants from foreign countries who may desire to settle in Louisiana by giving counsel and information in making contracts for public means of transportation to bring to the port of New Orleans at the lowest rates of passage possible such emigrants as may elect to come to said port, and to make arrangements with steamboats, railroads, and other public means of transportation to convey emigrants who may elect to settle in Louisiana to their place

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of destination in a comfortable manner and at the least expense possible; to use every effort to inform, advise, and assist emigrants; to visit and examine all vessels arriving at the port of New Orleans which have emigrants on board, and to make a register of such emigrants, showing names, ages, places of birth, sex, profession, trade, destination, which register shall be filed in their office; to make a report annually to the general assembly of the State of the number of emigrants who have arrived, with a tabular statement showing ages, places of birth, sex, profession, trade, and destination of all emigrants who may have arrived during the year at the port of New Orleans, together with such information and recommendations as in their opinion may promote emigration to the State of Louisiana, together with a full statement of the expenses and operations of the commission: *Provided*, Nothing in this section shall be so construed as to make the State liable for the passage money of any emigrant coming into this State or going into the interior.

SEC. 14. *Be it further enacted, etc.*, That it shall be the duty of the commissioners of emigration to establish an emigrant depot, in which upon their landing emigrants may receive shelter, and of which said commissioners shall have entire control; to license suitable boarding-house keepers in New Orleans, who shall agree to board and entertain emigrants at a rate of compensation to be fixed by them; to establish such regulations as may protect the emigrant from fraud and imposition by designing persons, especially in exchanging money and in the purchase of tickets for transportation into the interior of this State or to other States; and to receive, investigate, and cause to be redressed all claims for damages by foreign emigrant passengers on account of insufficient accommodation, bad or insufficient food, and harsh treatment on shipboard, and that they have power to seize any vessel against which such claims shall be brought, and hold it until such claims for damages may be decided by the proper court.

SEC. 15. *Be it further enacted, etc.*, That it shall be the duty of the commissioners of emigration to cause the preparation of a map of the State, showing the usual features of a geographical map, geological formations, isothermal lines and zones of the leading staples and most important agricultural products; that they shall annually collect and annually publish a volume of such statistics of the agricultural, mineral, and geological products, commerce, climatology, health, schools, charitable institutions, railroads, canals, finances, social relations, crimes, etc., of this State as they, the said commissioners, may deem best suited to inform the people of this and other States of the resources of Louisiana, and contribute thereby to the growth and prosperity of the State.

SEC. 16. *Be it further enacted, etc.*, That it shall be the duty of the commissioners of emigration to establish a labor exchange in a convenient locality, and in connection with the emigrant depot, which shall be open and free of charge to all persons wishing situations and to all residents in this State wishing laborers: *Provided*, That said employers and laborers comply with the proper rules and regulations prescribed by the commissioners of emigration for the management of said labor exchange.

SEC. 17. *Be it further enacted, etc.*, That the commissioners of emigration shall aid, so far as possible, both emigrants and such persons

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residing in this State as wish to avail themselves of the homestead act, to procure homes in the country thereby; also to assist in the sale and purchase of lands by furnishing blanks to landowners to be filed with a correct statement as to the location, size, value, title, price, encumbrances, etc., of the tract to be sold, and which, when sworn to by the seller and attested by the recorder of the parish in which said tract is situated, shall be kept on file at the office of the commissioners of emigration open at all business hours to all parties wishing to inspect or copy the same free of cost and all charges whatsoever.

SEC. 18. *Be it further enacted, etc.*, That all laws of this State or sections of laws imposing a tax upon alien passengers on landing, and all laws or sections of laws in conflict with the provisions of this act, are hereby repealed.

SEC. 19. *Be it further enacted, etc.*, That the sum of three thousand one hundred dollars be, and is hereby, appropriated to defray the expenses of the bureau of emigration to March 1, 1869, to be paid out of any money in the treasury not otherwise appropriated, on the warrant of the chief of the bureau of emigration, and that the sum of twenty thousand dollars be appropriated to put in operation the commission of emigration and for the expenses of said commission, to be paid out of any money in the treasury not otherwise appropriated, on the warrant of the said commissioners of emigration or a majority of them.

SEC. 20. *Be it further enacted, etc.*, That this act shall take effect from the 1st of March, 1869, and that the act of the general assembly "to organize a bureau of emigration," approved March 17, 1866, is hereby repealed on the same date.

CHAS. W. LOWELL,
Speaker of the House of Representatives.
OSCAR J. DUNN,
Lieutenant Governor and President of the Senate.

Approved, March 8, 1869.

H. C. WARMOTH,
Governor of the State of Louisiana.

A true copy.
GEO. E. BOVEE,
Secretary of State.

REVISED LAWS, 1904.

[Constitution and Revised Laws, Louisiana, Solomon Wolff, R. S., sec. 1-2369, 1904, p. 782, Immigration.]

Sections 1721 to 1737 (act 93, 1869, p. 106) are repealed by act 154, 1874, p. 271.

AN ACT To repeal the act of March 8, 1869, creating the commission of immigration, to establish a bureau of immigration, together with proper police regulations for the government, supervision, and protection of immigrants arriving at the port of New Orleans; to save the State harmless from the importation from foreign countries of such persons as are apt to become a charge upon the State, and to increase the revenue of the Charity Hospital.

Section 1 repeals act 93, 1869 (supra secs. 1721 to 1737).

Sections 2 and 3, establishment of bureau of immigration and appointment of commissioners. Superseded by act 141, 1894, printed at page 10.

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SEC. 4. That within twenty-four hours after the landing of any passenger or passengers from any ship or vessel arriving at the port of New Orleans from any of the United States other than this State, or from any country out of the United States, the master or commander of the ship or vessel from which such passenger or passengers shall have been landed shall make a report in writing, on oath or affirmation, to the chief of the bureau of immigration, at his office in the city of New Orleans, which report shall state the name, place of birth, last legal residence, age, and occupation of every person or passenger who shall have landed from such ship or vessel on her last voyage to said port not being a citizen of the United States, and shall have within the last twelve months arrived from any country out of the United States at any place within the United States and who shall not have paid the commutation money or being bonded according to the provisions of this act; the same report shall contain a like statement of all such persons or passengers aforesaid as shall have been landed or been suffered to land from such ship or vessel at any place during such last voyage or who shall have been put on board or suffered to go on board of any other ship or vessel or boat with the intention of proceeding to and landing at the said city of New Orleans or elsewhere within the limits of the State. The said report shall further specify whether any of the said passengers so reported are lunatic, idiotic, deaf, dumb, blind, infirm, maimed, or above the age of sixty years; also designating all such passengers as shall be under the age of thirteen, or widows having families, or women without husbands having families, with the names and ages of their families; and shall further specify particularly the names, last place of residences, and ages of all passengers who may have died during the said last voyage of such vessel; also the names and residences of the owner or owners of such vessel. In case any such master or commander shall omit or neglect to report as aforesaid any such person or passenger, with the particulars aforesaid, or shall make any false report or statement in respect to any such person or passenger, or in respect to the owner or owners of any such vessel, or in respect to any of the particulars hereinafter specified, such master or commander shall forfeit the sum of one hundred dollars for every such passenger in regard to whom any such omission or neglect shall have incurred or any such false report or statement shall be made, for which the owner or owners, consignee or consignees of any such ship or vessel shall also be liable, jointly and severally, and which may be sued for and recovered as hereinafter provided.

SEC. 5. That it shall be the duty of the commissioners of immigration, or the chief of the bureau by an indorsement to be made on said report, to require the owner or consignee of the ship or vessel from which such persons were landed to give a several bond to the people of the State in a penalty of three hundred dollars for any and every person or passenger included in said report, such bond being secured as hereinafter provided and conditioned, to indemnify and save harmless the commissioner of immigration, and each and every city, town, or parish in this State from any costs which said commissioners or such city, town, or parish shall incur for the relief or support of the person named in the bond, within five years from the

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date of such bond, and also to indemnify or refund to the said commissioners any expense or charge they may necessarily incur for the support or medical care of the persons named therein. Each and every bond shall be secured by two or more sufficient securities being resident of the State of Louisiana, each of whom shall prove by oath or otherwise that he is owner of a freehold in the State of the value of three hundred dollars over and above all and any claim or lien thereon, or against him, including therein any contingent claim which may accrue from or upon any former bond given under the provisions of this act; said bonds having been approved first by the commissioners of immigration, who may reject any of said bonds, if in their judgment the security offered is not valid and sufficient. It shall be lawful for any owner or consignee, at any time within twenty-four hours after the landing of such persons or passengers from any ship or vessel in the port of New Orleans, except as in the section therein provided, to commute for the bond or bonds so required, by paying to the commissioners of immigration, or their appointed agent, the sum of two dollars for each and every passenger reported by him, as by law required; the receipt of such sum by said commissioners or agent shall be deemed a full and sufficient discharge from the requirements of giving bonds as above provided, but no owner or consignee shall be authorized to commute for the bond so required for any passenger arriving in the port of New Orleans, who may have to be sent to the Charity Hospital on account of illness, or for any passenger who, on examination, shall be found either lunatic or idiotic, or dumb, blind, or maimed, or infirm, or above the age of sixty years, or widow with a child or children, or any person unable to take care of himself or herself without becoming a public charge. The commissioners of immigration shall have authority to commute specially for any bond in such cases in such manner as shall appear to them equitable and proper. It shall be the duty of the health officer to report without delay to the commissioners of immigration the names of all passengers sent by his order from shipboard to any hospital on account of illness from ship fever, cholera, or yellow fever. And in case that any owner or consignee of any vessel arriving at the port of New Orleans shall fail, neglect, or refuse to give the bond or bonds required by this act, or pay the commutation money as above set forth within the time prescribed as aforesaid, said owners and consignees shall forfeit and pay unto the said commissioners of immigration the penalty of one hundred dollars in the case of each and every person or passengers for whom they shall fail, neglect, or refuse to give bond or pay the commutation money as in this act set forth, which sum or sums may be sued for and recovered in any court of competent jurisdiction, with judgment in solido, against such owners and consignees.

SEC. 6. That in case any of the persons for whom commutation money has been paid as aforesaid, or for whom a bond has been given as aforesaid, shall at any time within five years from the payment of such money, or the execution of such bond, become chargeable upon any city, town, or parish within this State it shall be the duty of said commissioners to provide for the payment of any expenses incurred by any such city, town, or parish for the maintenance and support of any such person out of the commutation money to be

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paid as aforesaid and the money collected on such bonds, so far as the same will enable them to do.

SEC. 7. That the moneys received by commissioners of immigration for commutation or otherwise, and which are not absolutely necessary for the maintenance of the bureau of immigration, for the payment of its salaried officers, and to cover such other expenses as the commmissioners, in their judgment, find necessary to make for the bureau, shall be turned over by them to the treasurer of the Charity Hospital at the city of New Orleans, taking his receipt for the same, to be used for the sole and exclusive benefit of the said Charity Hospital, at the discretion of the administrators thereof. All moneys received by the commissioners of immigration shall be paid out on the warrant of said commissioners or a majority of them.

SEC. 8. That it shall be the duty of the chief of the bureau of immigration to generally supervise the arrival of immigrants at the port of New Orleans, to assist and advise them, in order to protect them against imposition or false information; to visit and examine the vessels which have immigrants on board, as also to inspect the general condition of the individual immigrants; to make a register of such immigrants, showing name, ages, place of birth, sex, profession, trade, and destination, which register shall be filed in his office; to report to the proper authorities of the United States at Washington City all violations or infractions of the passenger laws of the United States on the part of the ships' masters, owners, consignees, or their subordinates and employees, respectively. It shall further be the duty of the chief of the bureau to annually report to the general assembly the number of immigrants and immigrant vessels which have arrived, together with a tabular statement, showing ages, places of birth, sex, trade, profession, and destination of all immigrants who may have arrived during the year at the port of New Orleans, together with such recommendations and information as in his opinion may promote the proper supervision and regulation of immigration at the port of New Orleans. It shall further be the duty of the chief of the bureau to assist any and all immigrants who may desire to settle in Louisiana by giving counsel and information in making contract for public means of transportation, and all impositions practiced upon the inexperienced he shall immediately bring to the knowledge of the proper authorities, and take measures to bring the perpetrators to justice. Wherever in his opinion it appears necessary, the chief of the bureau shall appoint a proper person or persons to board vessels from foreign ports, at the quarantine grounds or elsewhere, at and near the port of New Orleans, having on board immigrant passengers, for the purpose of advising such immigrants and putting them on their guard against fraud and imposition; and the health officer is hereby required to prevent any person or persons from going on board such vessels, which may be subject to examination by him, until after the chief of the bureau or his authorized agent shall have had sufficient opportunity to perform his duty. In general, it shall be the duty of the chief of the bureau to see that all provisions of this law are minutely complied with; that all moneys due the bureau are properly collected, and such amounts thereof as are directed by the commissioners are turned over without delay to the Charity Hospital; that meetings of the com-

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missioners be called and all and everything be properly done in conformity with the spirit and intent of this act. Any violation of this section on the part of shipmasters, or any refusal on their part to comply with the provisions thereof, shall be punishable by a fine of fifty dollars.

SEC. 9. That the commissioners of immigration shall serve without pay, and that it shall be the duty of the chief of the bureau to annually, or before the 1st of February in each year, to report to the general assembly the amount of money received under the provisions of this act during the preceding year, and the manner in which the same has been appropriated: *Provided*, That nothing in this act shall prevent the commissioner appointed by the board to act as chief of the bureau from being paid a salary for his services not exceeding the sum of three thousand five hundred dollars per annum out of any moneys in the hands of the commissioners not otherwise appropriated. Nothing in this section, however, shall be so construed as to make the State liable for any money whatever.

SEC. 10. That the commissioners of immigration shall be capable of suing and being sued, through the person of the chief of the bureau of immigration, on whom all citations must be served. It shall be the duty of the attorney general of the State to represent the commissioners in all suits instituted by or against them before the courts within the State. If any person to whom a bond shall have been given as aforesaid shall, within five years from the date of such bond, become chargeable upon any city, town, or parish of this State or upon the commissioners, the said commissioners may bring an action on such bond in the name of the people of this State, and shall be entitled to recover on such bond from time to time so much money, not in the whole exceeding the penalty of said bond exclusive of costs as shall be sufficient to defray the expenses incurred by any such city, town, or parish, or the said commissioners, for the maintainance and support of the person for whom such bond was given as aforesaid.

SEC. 11. That the commissioners of immigration, when, in their opinion, it shall become necessary for the proper management of the bureau, are authorized to employ an assistant to the chief of the bureau and a clerk, and to pay a reasonable compensation for their services out of the moneys aforesaid, provided that the salary of the assistant shall not exceed two thousand dollars per annum and that the salary of the clerk shall not exceed fifteen hundred dollars per annum.

SEC. 12. That the penalties and forfeitures prescribed by this act may be sued for and recovered with costs of suit by and in the name of said commissioners of immigration in any court having cognizance thereof, and, when recovered, shall be applied to the purposes specified in this act; it shall be lawful for the said commissioners, before or after suit brought, to compound for any of the said penalties or foreitures upon such terms as they shall think proper.

SEC. 13. That the commissioners of immigration shall aid so far as possible both immigrants and such persons residing in this State as wish to avail themselves of the homestead act, to procure homes in the country thereby; also to assist in the sale and purchase of lands by furnishing blanks to landowners, to be filled with a correct statement as to the location, size, value, title, price, incumbrances, etc., of the tract to be sold, and which, when sworn to by the seller

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and attested by the recorder of the parish in which said tract is situated, shall be kept on file at the office of the commissioners of immigration, open at all business hours to all parties wishing to inspect or copy the same, free of cost and all charges whatsoever.

SEC. 14. That nothing contained in this act shall be so construed as to make the State liable for any expenses or outlay incurred or caused by the bureau of immigration. The sphere of the bureau shall be mainly of the State, and immigrants arriving in Louisiana from other States of the Union shall be entitled to the same benefits instituted by the creation of the bureau of immigration, without regard to race, color, or previous condition: *Provided, however*, That in no such cases bonds shall be exacted or commutation demanded.

SEC. 15. That the receipt of the treasurer of the Charity Hospital for moneys turned over to him by the commissioners of immigration, for use of said hospital, shall be their full discharge in the premises for all further responsibilities as to use of said moneys.

(See title "Agriculture and Immigration," p. 10, and all acts printed there.)

ACT OF 1894.

[Constitution and Revised Laws, Louisiana, Solomon Wolff, R. S., sec. 1-2369, Absentees to minors, second edition, 1904, p. 10, Agriculture and Immigration, Louisiana State Board of Agriculture and Immigration, act 141, 1894, p. 177.[a]]

AN ACT To create a bureau of agriculture and immigration; to prescribe its powers and duties; to provide for the appointment of a commissioner of agriculture and immigration; to fix his salary and define his duties and powers; to provide for the expenses of said bureau.

SECTION 1. That the governor be, and is hereby, authorized to appoint, with the advice and consent of the senate, one commissioner of agriculture and immigration for the State of Louisiana, who, together with the governor of the State and the vice president of the Louisiana State University and Agricultural and Mechanical College, shall constitute a bureau of agriculture and immigration, whose duty it shall be to encourage, advance, and protect the agricultural interests of this State and to aid and encourage immigration thereto. The said bureau of agriculture and immigration shall have all the powers and be charged with the duties of encouraging, advancing, and protecting the agricultural interests of Louisiana by the introduction of improved varieties of seed, by investigations into fruit culture in Louisiana and the determination of the most suitable kinds, by investigations into the capacity and facilities of the State for the production of silk and wool, by investigations of damage to our agricultural industry by insects and possible remedies, by investigations of the diseases of our grain crops and their remedies, by investigations into the capacity and facilities of the State for the development of the dairy interests, by investigations into the comparative cost of fencing in the State and recommendations as to its

[a] Until the passage of this act there were different commissioners and bureaus for agriculture and for immigration (acts 41 and 56, 1880, and reenacted by, respectively, acts 54 and 53, 1884); act 141, 1894, establishes one bureau, etc., for both purposes, repeals all conflicting laws (sec. 6), and imposes on the commissioner all the duties of the commissioner of agriculture and of immigration, respectively.

Const., art. 305 to 308, fixes title, membership, etc., of board.

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expediency, by investigations into the capacity of the State for the production of the better kinds of live stock and suggestions relative thereto, by investigations in the production of the staple crops of sugar, cotton, and rice, and suggestions as to their improvement, by investigations in regard to the facilities for and advantages of irrigation in producing staple crops of the State, by the promotion of competitive exhibits of agricultural productions throughout the State, and by all proper means to advance the agricultural interests of the State. The said bureau of agriculture and immigration shall further have all the powers and be charged with the duties of aiding and encouraging immigration into this State. The said bureau shall compile data for the information of immigrants, giving values of land, their accessibility, the facilities for the transportation and sale of crops therefrom, the prices of lands, and all other incidental information that may be desired by immigrants. Said bureau of agriculture and immigration as herein created shall exercise all the powers conferred and perform all the duties imposed by law upon the bureau of agriculture and the bureau of immigration, respectively, as they have previously existed under the law.

SEC. 2. That said bureau of agriculture and immigration is empowered to make all necessary rules and regulations for the purpose of carrying out the intentions of this act and is authorized to employ a clerk at not exceeding fifteen hundred dollars per annum and a stenographer and typewriter at not exceeding seventy-five dollars per month.

SEC. 3. That the said commissioner of agriculture and immigration shall hold his office for the term of four years and until his successor is qualified; he shall take the oath prescribed by law for other state officers; he shall keep his office in the state capitol at Baton Rouge; he shall receive an annual salary of twenty-five hundred dollars, to be paid monthly upon his own warrant upon the auditor of public accounts.

SEC. 4. That for all expenses incidental to the operation of this bureau the governor is hereby authorized and empowered to direct the auditor to draw his warrants upon the treasurer for such amounts as the bureau shall deem proper, but in no event to exceed the amount which may be appropriated for this purpose, such vouchers for said expenses to be marked "Agricultural fund" for said expenses incident to agriculture and to be marked "Immigration fund" for such expenses incident to immigration.

SEC. 5. That this act shall go into effect on the third Monday in May, 1896, when a commissioner of agriculture and immigration shall be appointed to serve until the third Monday in May, 1900, and until his successor is qualified, who shall take the places of and discharge all the duties now incumbent upon the commissioner of agriculture and immigration, respectively.

SEC. 6. That all laws in conflict with this act be, and the same are hereby, repealed.

[Duties and powers relative to immigration, act 54 of 1884, p. 75.]

SEC. 1. That the governor be, and he is hereby, authorized to appoint, with the advice and consent of the senate, one commissioner of immigration for the State of Louisiana, who, together with the

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president of the Cotton Exchange, president of the Sugar Exchange, and the president of the New Orleans Maritime Association, shall constitute a bureau of immigration, who shall have power to appoint one or more agents in various parts of Europe and other places, at their discretion, for the purpose of encouraging and directing immigrants to this State; to make contracts with the railroad and packet companies, and other companies and persons, and to perform such other functions as are necessary to secure the ends aimed at by the act; and that said commissioner be authorized to contract with the owners or proprietors of tracts of land or plantations for the purpose of obtaining and securing temporary or permanent homes and employment of the immigrants settling or desiring to settle in this State: *Provided, however*, That said bureau of immigration or its agents shall not, under any consideration, involve the State in any indebtedness or expense in amount exceeding the sum which may be appropriated for such purposes.

SEC. 2. That the commissioner of immigration shall each year collect and compile for publication and distribution all statistics and facts relating to the character and resources of this State, to be issued in pamphlet, circular, or other forms, as he may judge best and necessary to further the objects of this act. Said commissioner shall keep in his office an accurate account of all moneys received and expended by him, and report the same, together with the progress and results of his office, to the legislature during the first week of each regular session, or at any called session of the legislature, if required by that body.

SEC. 3. That it shall be the duty of said commissioner to keep in his office a register of lands for sale in the State of Louisiana, and the names of persons who desire to purchase lands, or to secure employees or employment in Louisiana, in the manner and upon the terms hereinafter provided.

SEC. 4. That any citizen of Louisiana may register in the office of the commissioner any lands owned by him or her which are for sale in the State, giving an abstract of titles to said lands, with a condensed description of the same, on payment of a fee of two dollars and no more to the commissioner for each separate tract or parcel of land so registered.

SEC. 5. That any person desiring to purchase lands, to secure employees, or employment may register his or her name, with a statement of his or her wants, in the office of the commissioner on a payment of a fee of fifty cents to said commissioner: *Provided*, All moneys thus received by said commissioner shall be paid by him quarterly into the state treasury: *Provided*, The register of the commissioner shall always be open to public examination free of charge, and a strict and correct account of the same being kept and reported to the legislature at the regular session thereof.

(The sections of both acts not printed refer to appointment of officers, term of office, etc., and are repealed by act 141 of 1894, supra. Parts of the sections printed are also repealed, while other parts of those sections remain effective. It was, however, not practicable or proper to do otherwise than print the whole sections.)

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MAINE.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1816 (an act for promoting the sale and settlement of public lands in the district of Maine).—An act was passed in 1816 by the legislature of Massachusetts providing for the sale and settlement of lands in Maine which belonged to the Commonwealth of Massachusetts. This act makes no direct reference to immigration and therefore is not published in this compilation.

Act of 1825 (an act additional to "an act to promote the sale and settlement of public lands").—The act of 1825 authorized the land agent of the State to sell and convey the public lands to actual settlers.

Act of 1835 (an act additional to promote the sale and settlement of the public lands).—By the act of 1835 special duties to make improvements upon the lands were enjoined upon actual settlers to whom the public lands were conveyed. This act is not published in this compilation.

Act of 1870 (an act to promote immigration and to facilitate the settlement of the public lands).—By the act of 1870 a board of immigration was established composed of the governor, secretary of state, and land agent. It shall be the duty of the board to collect useful information concerning the climate, soil, and resources of the State, to publish all data, with terms offered to settlers, in English and Scandinavian languages; to distribute the publications in Norway, Sweden, and other countries deemed desirable; and to send an agent to Europe to obtain a colony of immigrants and to arrange for their settlement on the public lands. One hundred acres of land shall be allotted to each male member of the colony over 21 years of age, and such lands shall be exempt from taxation for ten years. Advances may be made to the colony if necessary.

Act of 1870 (an act to promote immigration into the State).—The act of 1870 extends the time within which the European and North American Railway Company shall perform certain specified duties for the promotion of immigration.

Acts of 1871, 1872, and 1873 (acts to promote immigration and facilitate the settlement of the public lands).—Acts of 1871, 1872, and 1873 continued the board of immigration which was created by the act of 1870. No material changes were made in the prescribed powers and duties.

Act of 1883 (an act relating to immigration).—By the act of 1883 overseers of the poor are designated to take charge of local affairs of immigration in the ports of the State and to provide for the support and relief of immigrants who shall fall into distress.

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IMMIGRATION AND ALIEN LAWS.

ACT OF 1825.

[Maine State Laws, 1825, ch. 316, p. 1058.]

AN ACT Additional to "An act to promote the sale and settlement of public lands."

SECTION 1. *Be it enacted by the senate and house of representatives in legislature assembled*, That the land agent be, and he is hereby authorized and empowered to sell and convey to actual settlers, the public lands in any township belonging to this State, in the manner following, viz: To the first ten settlers, one hundred acres each, for twenty dollars per hundred acres; to the second ten settlers, one hundred acres each, for thirty dollars per hundred acres; to the third ten settlers, one hundred acres each, for forty dollars per hundred acres; to the fourth ten settlers, one hundred acres each, for fifty dollars per hundred acres; and to the fifth ten settlers, one hundred acres each, for sixty dollars per hundred acres; one half of the said amount to be paid in labor, to be laid out in making roads in and through the respective townships taken up by such settlers, under the direction of the land agent; the remaining half to be paid in money on contracting.

SEC. 2. *Be it further enacted*, That the said agent be, and he is hereby, authorized and empowered to sell lots not exceeding one mile square any meadow, bog, or waste land, which does not fall under the denomination of settling or timber land, either at auction or private sale, as in his opinion shall best promote the interest of the State; and to execute good and sufficient bonds of the same to the purchasers.

SEC. 3. *Be it further enacted*, That the said agent be, and he is hereby, authorized and empowered to sell timber on the public lands, where the same is decaying, and in his opinion it is for the public interest so to do.

SEC. 4. *Be it further enacted*, That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

(This act passed February 26, 1825.)

ACT OF 1870.

[Maine State Laws, 1870, ch. 173, p. 133.]

AN ACT To promote immigration and to facilitate the settlement of the public lands.

Be it enacted by the senate and house of representatives in legislature assembled, as follows:

SECTION 1. There shall be a board of immigration in this State, composed of the governor, secretary of state, and land agent, but the members of said board shall receive no compensation for the services they may render by virtue of this act.

SEC. 2. It shall be the duty of said board to collect statistics and other useful information concerning the climate, soil, and resources of the State, and the amount of the unsettled lands, together with the

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terms offered by the State to settlers, and such other information as said board may deem proper, and to cause the same to be printed and translated into the Scandinavian languages and distributed in Sweden, Norway, and such other countries as may be deemed desirable and best calculated to promote the purposes of this act: *Provided*, The whole amount expended for this purpose shall not exceed the sum of five hundred dollars.

SEC. 3. Said board may appoint some suitable person as agent to proceed to Sweden or Norway for the purpose of obtaining a first colony of immigrants and superintending their passage to this State and their settlement on the public lands; and the salary and entire expenses of such agent shall not exceed the sum of three thousand dollars.

SEC. 4. The agent aforesaid shall be sent out for the purposes herein provided as early as practicable in the year eighteen hundred and seventy, and shall return with the colony as soon thereafter as may be.

SEC. 5. The board aforesaid may cause said first colony of immigrants to be settled on any of the public lands of the State not otherwise appropriated, and assign to each head of a family and male member of the colony twenty-one years of age, one hundred acres of land, and the land agent shall, at the expiration of said five years, cause each of the persons aforesaid to whom lots have been thus assigned to receive a deed of warranty or other valid title of the lot thus assigned them: *Provided*, Each of said persons has established his residence on the lot assigned him, and has built him a comfortable house thereon, and has cleared not less than fifteen acres of land, within the time aforesaid, ten of which shall be laid down to grass; and all the immigrants thus settled shall be exempt from state taxation until January 1, in the year of our Lord one thousand eight hundred and seventy-six.

SEC. 6. The board aforesaid may, if in their opinion the circumstances of said first colony of immigrants upon their arrival shall require it, cause advances to be made to them of such provisions, tools, and implements as may be necessary to enable them to commence labor: *Provided*, The whole amount thus expended shall not exceed one thousand dollars.

SEC. 7. The governor is hereby authorized to draw his warrant upon the treasurer for any of the sums specified in this act.

SEC. 8. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect when approved.

Approved March 23, 1870.

ACTS OF 1871.

[Maine State Laws, ch. 201, p. 150.]

I.

AN ACT To promote immigration into this State.

Be it enacted by the senate and house of representatives in legislature assembled, as follows:

SECTION 1. Whereas, in section 3 of an act entitled "an act to provide means for the defence of the north eastern frontier," approved

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March 24, 1864, it is provided that the European and North American Railway Company is charged with the duty of encouraging immigration into the State, and shall be required to appoint a suitable emigrant agent, and annually publish such plans, statements, and other information as shall give to the public a better knowledge of the extent, value, and situation of the public lands of Maine, now open for settlement, and cause this information to be printed in our own and other languages, and distributed into other States of this Union, and into foreign lands; and whereas it is provided in the same section that "the legislature of this State shall have the right at all times to enquire into the manner in which these trusts are executed, and to pass any laws that may be necessary to impose fines and penalities, to secure a compliance with the provisions, liabilities, and duties hereinbefore set forth and enjoined;" and whereas said railroad company have utterly failed to perform the duties therein enjoined it is hereby declared and made known that the time may be extended for the performance of these duties until the first day of July next and no further.

SEC. 2. It shall be the duty of the attorney-general of this State to inquire into and ascertain whether the duties set forth in the said act of 1864, and in section 1 of this act, and at the time as extended in said section 1 of this act, have been performed; and if at that time the said company shall have failed to perform these duties, they shall be fined not less than five thousand dollars, and the same sum yearly thereafter, to be recovered in the same manner as an action for debt against said company, and it shall be the duty of the attorney-general to make immediate demand of said company for the fine or fines thus imposed, and in case the said company shall neglect or refuse to pay the fines thus demanded within ten days after such demand, it shall then be the duty of the attorney-general to sue said company in the name of the State and collect the fine or fines as soon as due process of law will allow, and all moneys so collected shall be expended under direction of the commissioner of immigration to promote immigration into this State.

SEC. 3. This act shall take effect when approved.

Approved, February 24, 1871.

II.

[Maine State Laws, 1871, ch. 210, p. 157.]

AN ACT To promote immigration and facilitate the settlement of the public lands.

Be it enacted by the senate and house of representatives in legislature assembled, as follows:

SECTION 1. There shall be a board of immigration in this State, composed of the governor, secretary of state, and land agent.

SEC. 2. It shall be the duty of said board to appoint a commissioner of immigration, an agent resident in Sweden, and an agent resident in New Sweden, Maine, and to exercise a general supervision over the expenditure of all moneys appropriated by this act.

SEC. 3. It shall be the duty of said commissioner to collect statistics and other useful information concerning the climate, soil, production,

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and resources of the State, the amount and location of unsettled lands in Maine, the terms offered by the State to settlers, together with the condition and progress of the colony at New Sweden, and such other information as he may deem proper, and cause the same to be translated into the Swedish language and distributed in Sweden and the United States in such manner as may be deemed advisable and best calculated to promote the provisions of this act: *Provided*, The whole amount expended for this purpose shall not exceed the sum of one thousand dollars.

SEC. 4. It shall be the further duty of said commissioner to exercise a care and oversight over all immigrants coming to Maine, to give them all needful information, to assist them in settling upon the general lands of the State or obtaining employment within its borders, and to have special charge of the colony at New Sweden, to the end that its development and prosperity may be promoted in every way consistent with law; and the compensation and entire expenses of said commissioner shall not exceed the sum of twenty-five hundred dollars.

SEC. 5. The first agent provided for in section second of this act shall reside in Gothenburg, Sweden; shall have charge of the printing and of the distribution throughout Sweden of all documents and information to be furnished him by the commissioner, shall use his best endeavors in every lawful way to encourage emigration to Maine, to protect the immigrants from fraud and imposition, and to enable them to embark from Sweden with proper guarantees for their safety and comfort on their passage and with suitable information to the Swedish colony of our State; and the compensation of said agent shall not exceed the sum of five hundred dollars.

SEC. 6. The second agent provided for in section second of this act shall reside in New Sweden, shall have special charge of the state storehouse, stores, tools, and all other state property there, shall receive and disburse all state supplies and keep proper accounts and vouchers therefor; and the compensation of said agent shall not exceed the sum of two hundred dollars.

SEC. 7. The agents mentioned in the two preceding sections shall perform their duties under the direction of the commissioner of immigration.

SEC. 8. The board aforesaid may, if in their opinion the circumstances require it, expend amounts not exceeding the following sums for the several purposes hereinafter enumerated: For provisions and tools to be sold the colonists at cost, and for which payment may be taken in labor at one dollar a day on the roads, public building, and other public works, five thousand dollars; for finishing and furnishing the public building at New Sweden, one thousand dollars; for seed, five hundred dollars; for roads, five hundred dollars; for all other purposes to promote the provisions and spirit of this act, five hundred dollars.

SEC. 9. The board aforesaid may cause all immigrants arriving under the provisions of this act to be settled on any of the public lands of the State not otherwise appropriated, and assign to each man over twenty-one years of age, by certificate from the land agent, a lot of one hundred acres of land; and the land agent shall, at the expiration of five years from the date of said assignment, grant each of

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the persons aforesaid or his heirs at law a deed of warranty or other valid title of the lot assigned him: *Provided*, Each of said persons has established his residence on the lot assigned him, has built him a comfortable house thereon, and has cleared not less than fifteen acres of land within the time aforesaid, ten of which shall be laid down to grass; and all said persons shall be exempt from state taxation until January 1, in the year of our Lord 1876.

SEC. 10. The governor is hereby authorized to draw his warrant upon the treasury for any of the sums specified in this act.

SEC. 11. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect when approved and shall continue in force one year from its approval.

Approved, February 24, 1871.

ACT OF 1872.

[Maine State Laws, 1872, ch. 15, p. 10.]

AN ACT To promote immigration and facilitate the settlement of the public lands.

Be it enacted by the senate and house of representatives in legislature assembled, as follows:

SECTION 1. There shall be a board of immigration in this State, composed of the governor, secretary of state, and land agent.

SEC. 2. It shall be the duty of said board to appoint a commissioner of immigration, an agent resident at New Sweden, and to exercise a general supervision over the expenditure of all moneys appropriated by this act.

SEC. 3. It shall be the duty of said commissioner to collect statistics and other useful information concerning the climate, soil productions, and resources of the State, the amount and location of unsettled lands in Maine, the terms offered by the State to settlers, together with the condition and progress of the colony at New Sweden, and such other information as he may deem proper, and cause the same to be translated into the Swedish language and distributed in Sweden and the United States in such manner as may be deemed desirable and best calculated to promote the provisions of this act: *Provided*, The whole amount expended for this purpose shall not exceed the unexpended balance of the appropriation for same purpose, enacted by the legislature in the year of our Lord 1871.

SEC. 4. It shall be the further duty of said commissioner to exercise a general care and oversight over all immigrants coming to Maine, to give them all needful information, to assist them in settling upon the public lands of the State, or obtaining employment within its borders, and to have special charge of the colony at New Sweden, to the end that its development and prosperity may be promoted in every way consistent with law; and the compensation and entire expenses of said commissioner shall not exceed the sum of twenty-five hundred dollars. And it shall be the duty of said agent, resident in New Sweden, to have special charge of the state storehouse, stores, tools, and all other state property there, to receive and disburse all state supplies, and keep proper accounts and vouch-

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ers therefor; and the compensation of said agent shall not exceed the sum of three hundred dollars.

SEC. 5. The board aforesaid, may, if in their opinion the circumstances require it, expend for provisions, tools, and seed to be sold the colonists, and for which payment may be taken in labor on the roads, public buildings, and other public works, an amount not exceeding eight thousand dollars; for schools, two hundred dollars, and for all other necessary aid an amount not exceeding one thousand dollars.

SEC. 6. The board aforesaid may cause all immigrants arriving under the provisions of this act to be settled on any of the public lands of the State not otherwise appropriated, and assign to each man over twenty-one years of age by certificate from the land agent, a lot of one hundred acres of land; and the land agent shall, at the expiration of five years from the date of said assignment, grant each of the persons aforesaid, or his heirs at law, a deed of warranty or other valid title of the lot assigned him: *Provided*, Each of said persons has established his residence on the lot assigned him, has built him a comfortable home thereon, and has cleared not less than fifteen acres of land within the time aforesaid, ten of which shall be laid down to grass; and all said persons shall be exempt from state taxation until January 1, in the year of our Lord 1876.

SEC. 7. The governor is hereby authorized to draw his warrant upon the treasury for any of the sums specified in this act.

SEC. 8. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect when approved.

Approved February 20, 1872.

ACT OF 1873.

[Maine State Laws, 1873, ch. 88, p. 59.]

AN ACT To promote immigration and facilitate the settlement of the public lands.

Be it enacted by the senate and house of representatives in legislature assembled, as follows:

SECTION 1. There shall be a board of immigration in this State, composed of the governor, secretary of state, and land agent.

SEC. 2. It shall be the duty of said board to appoint a commissioner of immigration, an agent resident in New Sweden, and to exercise a general supervision over the expenditure of all moneys appropriated by this act.

SEC. 3. It shall be the duty of said commissioner to exercise a general care and oversight over all immigrants coming to Maine, to give them all needful information, to assist them in settling upon the public lands of the State, or obtaining employment within its borders, and to have special charge of the colony at New Sweden, to the end that its development and prosperity may be promoted in every way consistent with law; and the compensation and entire expenses of said commissioner shall not exceed the sum of one thousand dollars. And it shall be the duty of said agent, resident in New Sweden, to have special charge of the state storehouse, stores, tools, and all other state property there, to receive and disburse all state supplies,

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and keep proper accounts and vouchers therefor, and the compensation of said agent shall not exceed the sum of three hundred dollars.

SEC. 4. The board aforesaid may, if in its opinion the circumstances require it, expend for provisions, tools, seed, and other necessary aid to be furnished the colonists, and for which payment may be taken in labor on the roads, public buildings, and other public works, an amount not exceeding four thousand dollars, and for schools two hundred dollars.

SEC. 5. The board aforesaid may cause all immigrants arriving under the provisions of this act to be settled on any of the public lands of the State not otherwise appropriated, and assign to each man over twenty-one years of age, by certificate from the land agent, a lot of one hundred acres of land, and the land agent shall, at the expiration of five years from the date of said assignment, grant each of the persons aforesaid, or his heirs at law, a deed of warranty or other valid title of the lot assigned him: *Provided*, Each of said persons has established his residence on the lot assigned him, has built a comfortable home thereon, and has cleared not less than fifteen acres of land within the time aforesaid, ten of which shall be laid down to grass; and all said persons shall be exempt from state taxation until January 1, in the year of our Lord 1876.

SEC. 6. The governor is hereby authorized to draw his warrant upon the treasury for any of the sums specified in this act.

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect when approved.

Approved, January 25, 1873.

ACT OF 1883.

[Maine State Laws, 1883, ch. 171, p. 136.]

AN ACT Relating to immigration.

Be it enacted by the senate and house of representatives in legislature assembled, as follows:

Whenever the governor of the State shall have knowledge that, under the provisions of an act of Congress approved August 3, 1882, officers are necessary in any town or city to take charge of the local affairs of immigration in the ports of this State and to provide for the support and relief of immigrants who shall fall into distress, he shall designate for such duty the board of overseers of the poor and their successors in such town or city, or any member or members of such board.

Approved, March 7, 1883.

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MARYLAND.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1814 (an act for the benefit of certain persons who emigrated into or settled in this State before the adoption of the Constitution of the United States).—The act of 1814 confers upon all aliens resident in the State prior to the adoption of the Federal Constitution all of the immunities, privileges, rights, and advantages enjoyed in relation to property by natural-born citizens.

Act of 1815.—The act of 1815 confirms the titles to property possessed by aliens who settled in the State prior to the adoption of the Constitution of the United States.

Act of 1833 (an act relating to the importation of passengers).—The act of 1833 was intended to remedy or relieve the evil of importing alien paupers into the State. It requires every master of vessel entering at a cutosm-house to report in writing, under oath, data about every alien passenger. Such master is required to pay $1.50 for every passenger or become bound to indemnify for any expense incurred in his behalf within two years. He shall be subject to a penalty for allowing alien passengers to land within 50 miles of Baltimore for the purpose of proceeding to the city.

Act of 1833 (an amended act relating to the importation of passengers.—The masters of vessels are permitted to give bond to indemnify the Government for any expense incurred within two years in behalf of alien passengers landing from their vessels, and be relieved of the duty of paying $1.50 for each passenger.

Act of 1896 (bureau of immigration).—The act of 1896 creates a bureau of immigration to encourage immigration into the State. A board of immigration composed of three members shall be appointed by the governor every two years, and one of them shall be designated as superintendent of immigration. The board shall collect, collate, and maintain complete data about the State's advantages and opportunities which would interest immigrants and investors. It shall secure offices and appoint a secretary. The superintendent may travel in America in performance of his duties. The board shall arrange special plans and rates of transportation.

Act of 1898 (an amended act changing the provisions of the act of 1896 for a bureau of immigration).

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IMMIGRATION AND ALIEN LAWS.

ACT OF 1814.

[Maryland State Laws, 1814, ch. 105, p. 98.]

AN ACT For the benefit of certain persons who emigrated into or settled in this State before the adoption of the Constitution of the United States.

SECTION 1. *Be it enacted by the general assembly of Maryland*, That all free white persons, who emigrated into or settled within the limits of this State before the adoption of the Constitution of the United States of America, and who have continued and remained inhabitants of this State, shall be deemed, construed, and taken to have been, and they hereby are, declared to have been and to be, respectively, entitled to all and singular the immunities, privileges, rights, and advantages of natural-born citizens so far as to enable such persons to acquire right, title, and interest in, and to hold, possess, and enjoy lands, tenements, and real estate within this State, and to transmit and transfer the same in the same manner as natural-born citizens of this State; and all property, real, personal, and mixed, acquired or transferred by, from, through, or under the said persons, or any of them, or their or any of their descendants shall be held, possessed, enjoyed, and transferred in like manner as if the said persons had respectively been and were at the several times of acquiring and transferring such property natural-born citizens of this State; and all and every person or persons whatsoever, being citizens of this or some one of the United States, claiming any real estate by, from, or under the said persons first hereinbefore described or their or any of their descendants by gift, grant, purchase, descent, or otherwise, shall hold, possess, and enjoy the same in like manner as if the said persons had respectively been and were at the several times of acquiring and transferring such real estate natural-born citizens of this State: *Provided*, That nothing herein contained shall be construed to interfere with or affect the rights of any person or persons acquired before the passage of this act.

Passed January 17, 1814.

ACT OF 1815.

[Maryland State Laws, 1815, ch. 79, p. 91.]

AN ACT For the benefit of persons who have emigrated into this State since the adoption of the Constitution of the United States.

SECTION 1. *Be it enacted by the general assembly of Maryland*, That in all cases where any alien hath emigrated into this State since the adoption of the Constitution of the United States, and hath acquired or become entitled to lands and tenements therein, if such person, after such acquisition aforesaid, hath been naturalized according to the laws of the United States, then and in such case he or she shall quietly have, possess, and enjoy such lands and tenements in the same manner as he or she might or could have done if he or she had been a naturalized citizen at the time of such acquisition: *Provided, nevertheless*, That nothing herein contained shall be construed to interfere with or affect the rights or interest of any other person or persons acquired before the passage of this act.

Passed January 18, 1815.

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ACT OF 1833.

[Maryland State Laws, 1833, ch. 303.]

AN ACT Relating to the importation of passengers.

Whereas the frequent arrival of passengers at the port of Baltimore have introduced into that city a great number of paupers who have become charges upon the city and county and upon the several associations in said city, incorporated by the State, for the relief of foreign emigrants to the United States; and whereas a large proportion of the passengers in the various ships are paupers, and are, as such paupers, embarked, it is believed, under the direction of public authorities of foreign countries; and whereas it is right that the evil in question should be remedied or alleviated as far as practicable: Therefore

SECTION 1. *Be it enacted by the general assembly of Maryland*, That from and after the 1st day of September next, every master or commander of every vessel arriving from a foreign country or from any other of the United States, who shall enter said vessel at the custom-house in the city of Baltimore shall, within twenty-four hours after such entry, make a report in writing on oath to the mayor or register of said city of the name, age, and occupation of every alien who shall have been brought or carried as passenger in such vessel on the voyage whence said vessel shall have, as aforesaid, arrived, upon pain of forfeiture for every neglect or omission to make such report of the sum of twenty dollars for every such passenger neglected or omitted to be so reported.

SEC. 2. *And be it enacted*, That said master or commander shall within forty-eight hours after the entry of said vessel pay in respect of each and every passenger aforesaid who shall be above the age of five years the sum of one dollar and fifty cents to the said mayor or register, or, at the option of said master or commander, he may, in lieu of such payment as to all or any of said passengers, become bound by specialty to the mayor and city council of Baltimore, with two sufficient sureties, to be approved by the mayor or register, in such sum not exceeding one hundred and fifty dollars for each passenger as aforesaid, as the mayor or register shall fix to indemnify and save harmless the mayor and city council of Baltimore and the trustees of the poor for Baltimore city and county from all and every expense and charge which shall or may be incurred at any time within two years from said entry for the maintenance and support of any such passenger as aforesaid so imported; and if any alien passenger brought by such vessel shall be permitted or suffered to land within said city before payment made or bond given as aforesaid, in respect of any such passenger, and before or after entry as aforesaid, the master or commander of any such vessel shall forfeit and pay the sum of one hundred dollars for every person so suffered and permitted to land as aforesaid.

SEC. 3. *And be it enacted*, That if any persons, an alien passenger as aforesaid in such vessel, shall be suffered to land from such vessel at any place within a distance of fifty miles from said city with the intent to proceed to said city otherwise than in said ship or vessel,

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the master or commander thereof shall forfeit and pay for every such person so suffered to land the sum of one hundred dollars unless within forty-eight hours after entry as aforesaid he shall pay said sum of one dollar and fifty cents in respect of such person or persons so landed or shall become bound as aforesaid.

SEC. 4. *And be it enacted*, That all and singular the said forfeitures and penalties shall and may be sued for in the name of the mayor and city council of Baltimore before any justice of the peace, and when recovered shall be paid over to the trustees of the poor for Baltimore city and county, or in part or to such extent and in such proportion as to the mayor and city council of Baltimore shall seem fit to the German Society of Maryland and to the Hibernian Society of Baltimore, and either party in such suits shall have the right and remedy of appeal as provided in case of recovery of small debts.

SEC. 5. *And be it enacted*, That said payments of one dollar and fifty cents may severally be sued for by and in the name of the mayor and city council of Baltimore before any justice of the peace in the same manner and subject to the same rules and process and with right and remedy of appeal as provided in case of recovery of small debts, and all bonds given as aforesaid under the second section of this act shall be sued in the name of the mayor and city council of Baltimore in any county court, and the recovery of said payments one dollar and fifty cents, and upon said bonds shall be applied as directed by the fourth section of this act; and in all cases of suits by virtue of this act before any justice of the peace the said master and commander shall be held to special bail, with surety to be approved by the justice and to be enforced and recovered upon before any justice as in case of small debts.

SEC. 6. *And be it enacted*, That said mayor may compound for or remit the said penalties and forfeitures and payments and recoveries or any of them either before or after suing for the same upon such terms as the circumstances of the case may in his judgment require.

SEC. 7. *And be it enacted*, That each and every master or commander of any vessel coming from a foreign country, or from any other of the United States, shall prior to her landing any alien passenger at any place in any county in this State, pay in respect of each and every passenger aforesaid, who shall be above the age of five years, the sum of one dollar and fifty cents to the clerk of the county in which such alien is landed, or at the option of said master or commander, he may prior to such landing in lieu of such payment as to all or any of said passengers become bound to the clerk of such county with two sufficient sureties to be approved by such clerk in such sum not exceeding one hundred and fifty dollars for each passenger as aforesaid, as the clerk shall fix to indemnify and save harmless such county and the trustees of the poor for such county from all and every expense or charge which shall or may be incurred at any time within two years from such landing for the maintenance and support of any such passenger as aforesaid so imported, and if any alien passenger brought by such vessel shall be permitted or suffered to land within any county in this State before payment made or bond given as aforesaid, in respect of any such passenger, the master or commander of any such vessel shall forfeit and pay the sum of one hundred dollars for every person so suffered or per-

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mitted to land as aforesaid, one half to the use of the State, and the other to the use of the informer, to be recovered in an action of debt or indictment in any county court of any county in this State, where such master or commander shall be arrested: *Provided*, That nothing in this section shall be construed to extend to any such passenger landed in the city of Baltimore.

Passed March 22, 1833.

ACT OF 1835.

[Maryland State Laws, 1835, ch. 84.]

A further supplement to the act entitled "An act relating to the importation of passengers."

SECTION 1. *Be it enacted by the general assembly of Maryland*, That so much of the second section of the act, to which this is a supplement, as allows the master or commander of a vessel, in place of paying the assessment of one dollar and fifty cents for each passenger, to enter into bond with sureties for saving harmless and indemnifying the mayor and city council of Baltimore, and the trustees of the poor for Baltimore city and county, be and the same is hereby repealed.

SEC. 2. *And be it enacted*, That the register of the city of Baltimore shall be entitled to, for his services under the said act, and shall have out of the monies to be collected by virtue of said act, two per centum upon such monies.

SEC. 3. *And be it enacted*, That the said act shall not be deemed to extend to any ambassadors, or ministers, or consuls, or agents of foreign governments, arriving as passengers in the port of Baltimore.

Passed February 17, 1835.

ACT OF 1850.

[Maryland State Laws, 1850, ch. 46.]

AN ACT Supplementary to an act entitled "An act relating to the importation of passengers."

SECTION 1. *Be it enacted by the general assembly of Maryland*, That it shall be the duty of the mayor of the city of Baltimore, or other person discharging the duties of his office, to require the owner or consignee of every vessel arriving from a foreign country, or from any other of the United States, which shall be entered at the customs-house, in the city of Baltimore, upon pain of forfeiture for every neglect or omission, to give bond as hereinafter required, of the sum of twenty dollars in each case to the mayor and city council of Baltimore, to give a several bond to the State of Maryland, in a penalty of three hundred dollars, for each and every person, a passenger, included in the report of the master or commander of such vessel, to be made as provided in the first section of the act to which this is a supplement, secured as hereinafter provided, and conditioned to indemnify and save harmless each and every city, town, and county in this State from any cost which said city, county, or town shall

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incur for the relief or support of the person named in the bond, within five years from the date of such bond, and also to indemnify and refund any charge or expense such city, town, or county may necessarily incur for the support or medical care of the person named therein, if received into the almshouse or hospital, or any other institution under their charge; each and every such bond shall be secured by two or more sufficient sureties, being residents of the State of Maryland, each of whom shall prove, by oath or otherwise, that he is owner of a freehold in the said State, of the value of three hundred dollars over and above all or any claim or lien thereon, or against him, including therein any contingent claim which may accrue from or upon any former bond given under the provisions of this act, or such bond may, at the option of the party, be secured by mortgage of real estate, or by the pledge and transfer of public stock of the United States, or the State of Maryland, or the city of Baltimore, or by deposit of the amount of the penalty in some bank, subject to the order of the mayor of said city, such security, real or personal, having been first approved by the said mayor.

SEC. 2. *And be it enacted*, That it shall and may be lawful for any owner or consignee as aforesaid, at any time within three days after the landing of such persons or passengers from any ship or vessel in the port of Baltimore, to commute for the bond or bonds required by the preceding section by paying to the register of the city of Baltimore the sum of one dollar and fifty cents for each and every passenger reported as by law required, and for the receipt of such sum by said register shall be deemed a full and sufficient discharge from the requirements of giving bonds as aforesaid; and all such commutation money and forfeiture, as hereinbefore provided for, shall be paid and distributed by said register in the mode and proportions provided by the act to which this a supplement, and the preceding supplements thereto, in regard to the assessments, penalties, and forfeitures made payable by said act and the supplements thereto.

SEC. 3. *And be it enacted*, That all the provisions of the act to which this is a supplement, and of the various supplements thereto, which are inconsistent with the provisions of this act, be, and the same are hereby, repealed.

SEC. 4. *And be it enacted*, That this act shall take effect from its passage.

Passed January 30, 1850.

ACT OF 1896.

[Laws of Maryland, 1896, ch. 295, p. 537.]

AN ACT To add a new article to the Code of Public General Laws of the State of Maryland, under the title of "Immigration," establishing a bureau of immigration in and for the State of Maryland.

SECTION 1. *Be it enacted by the general assembly of Maryland*, That a new article be and the same is hereby added to the Code of Public General Laws of Maryland, under the title of "Immigration," which shall be as follows:

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SEC. 2. *Be it further enacted*, There is hereby established within and for the State of Maryland, a bureau of immigration to encourage immigration to this State.

SEC. 3. *And be it further enacted*, There shall be appointed by the governor, by and with the advice and consent of the senate, once in every two years, a board of immigration commissioners, composed of three members, one of whom shall be president of the board, and one of whom shall be state superintendent of immigration, and shall be so designated in his appointment; the said commissioners shall be appointed for a term of two years, and until their successors are duly qualified; the state superintendent shall receive a salary of two thousand dollars per annum, payable quarterly, upon the warrant of the comptroller, and the other two commissioners shall serve without compensation, except for their actual expenses in attending the meetings of the board.

SEC. 4. *Be it further enacted*, That the state superintendent of immigration shall be a man of good character and capacity, a citizen of the State of Maryland, and shall give bond to the State of Maryland in the sum of ten thousand dollars, with sufficient sureties, to be approved by the governor, conditioned for the faithful and efficient discharge of the duties of his office.

SEC. 5. *Be it further enacted*, That the board of immigration commissioners shall procure a good and sufficient office in the city of Baltimore, well located for the purpose, for which the bureau of immigration is established, which shall be kept open daily during the year from nine o'clock a. m. to five o'clock p. m., in which said office shall be kept conveniently, for ready reference, maps, pamphlets, and other statistics, fully and clearly descriptive of the geographical position of each county of the State, its agricultural and other resources and capabilities, shipping, marketing, and other facilities, the quantities and character of lands for sale and the price for which the same may be obtained; the social, educational, and other conditions of the several counties, and the advantages and inducements of every character offered to immigrants by each; and full and explicit information in these several particulars, and any others that may be deemed necessary, shall be at all times gratuitously furnished to all who may apply, in person or by letter, for the same.

SEC. 6. *Be it further enacted*, That the said board of immigration commissioners shall appoint a secretary, who shall be a person of good address and conversant with the English and the German languages, who shall hold his office during the time of said board unless his appointment shall be sooner revoked for cause; he shall receive a salary of twelve hundred dollars per annum, payable quarterly, upon the warrant of the comptroller, and he shall give bond in the sum of five thousand dollars, to be approved by board of immigration commissioners, for the faithful discharge of the duties of his office. It shall be the duty of the secretary to attend daily at the office of the bureau of immigration during the office hours, as hereinbefore prescribed, to arrange and carefully file away and preserve all the records, statistics, maps, pamphlets, and other data and documents of the office, keep the books of the bureau, conduct its correspondence, and perform such other duties pertaining to the functions of the bureau as may be required of him by the board of

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immigration commissioners; and in the absence of the state superintendent it shall be the duty of the secretary to furnish all required information regarding immigration matters to persons who may apply thereto.

SEC. 7. *Be it further enacted*, That as soon as organized it shall be the duty of the board of immigration commissioners to take the proper steps to collect reliable information appertaining to the functions of this bureau in regard to every county in this State; and for this purpose, as well as for the purpose of distributing and locating such immigrants as may be brought to the State through the agency of the bureau, it shall be the duty of the board of immigration commissioners to invite and encourage the organization of local boards of immigration commissioners in the several counties of the State; such auxiliary boards, however, to receive no pecuniary aid or assistance from the state board; the said board of immigration commissioners may also call upon the county commissioners of the several counties to assist them in the collection of the necessary statistics and information, and in the verification of the same; and the said board of commissioners shall procure, at the expense of the State, such maps and other drawings as may be necessary to properly illustrate the geographical, topographical, physical, agricultural, and other conditions of the State appertaining to the functions of this bureau.

SEC. 8. *Be it further enacted*, That it shall be the duty of the state superintendent of immigration to visit Europe once in each year for the purpose of soliciting immigration to this State and remain at least four months in the prosecution of his work visiting the different countries, having always a due regard to the character, circumstances, and desirability of the immigrants solicited or contracted with; during the remainder of the year he may devote such time as he may be able to absent himself from his office to the personal solicitation of immigration from other States of the Union and from Canada, and he may adopt such means of advertisement to that end as may commend themselves to his judgment, keeping himself always in his expenditures for this and other purposes within the appropriation for the support of this bureau.

SEC. 9. *Be it further enacted*, That the board of immigration commissioners shall have power to make contract with railroads, steamship lines, transportation companies, and masters of vessels, securing a low rate of transportation to immigrants, and to make the necessary arrangements for their reception and temporary accommodation upon their arrival at Baltimore or other points in the State until they can be distributed and located in the different counties of the State.

SEC. 10. *Be it further enacted*, That the board of immigration commissioners shall meet quarterly at their office in Baltimore city, and at such other times as they may determine for the purpose of promoting the work for which this bureau is organized; and they shall make an annual report to the governor, to be by him laid before the general assembly at each regular session; said report shall contain an itemized statement of all money received by the board, and to whom and for what purpose paid (the vouchers for which expenditures shall be filed in the office of the bureau), the results at-

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tained or expected to be attained, the statistics of immigration and other kindred information, together with such suggestions as the board may think proper to make.

SEC. 11. *Be it enacted*, That the sum of five thousand dollars per year for the years 1896 and 1897 is hereby appropriated for the use of the bureau of immigration in carrying out the provisions of this article, said fund to be known and designated as the immigration fund, and the comptroller shall draw his warrant on said fund upon the requisition of the board of immigration commissioners.

SEC. 12. *Be it enacted*, That the first term of office of the board of immigration commissioners hereby appointed shall commence on the 1st day of May, in the year 1896, and if there be not sufficient opportunity after the adoption of this article for the governor to appoint such board, by and with the advise and consent of the senate at its present session, he is hereby authorized to make such appointment, subject to the approval of the senate at its next session: *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 13. *Be it further enacted*, That this act shall take effect from the date of its passage.

Approved, April 2, 1896.

ACT OF 1898.

[Maryland Laws, 1898, ch. 282, p. 837.]

AN ACT To repeal and reenact with amendments sections 6, 8, and 11 of the act of 1896, chapter 295, in relation to the "establishing of a bureau of immigration in and for the State of Maryland," and to add a new section thereto, to be designated as section 13.

SECTION 1. *Be it enacted by the general assembly of Maryland*, That sections 6, 8, and 11 of the act of 1896, chapter 295, relating to establishing a bureau of immigration in and for the State of Maryland, be, and the same are hereby, repealed and reenacted with amendments and that a new section be added to section 13, and to read as to said several sections as follows:

SEC. 6. *Be it further enacted*, That the said board of immigration commissioners shall appoint a secretary, who shall be a person of good address and conversant with English, the German, Dutch, and French languages if practicable, who shall hold his office during the time of said board, unless his appointment shall be sooner revoked for cause; he shall receive a salary of twelve hundred dollars per annum upon the warrant of the comptroller, and he shall give bond in the sum of five thousand dollars, to be approved by the board of immigration commissioners for the faithful discharge of the duties of his office; it shall be the duty of the secretary to attend daily at the office of the bureau of immigration during the office hours as hereinbefore prescribed; to arrange and carefully file away and preserve all the records, statistics, pamphlets, and other data and documents of the office; keep the books of the bureau, conduct its correspondence, and perform such other duties pertaining to the functions of the bureau as may be required of him by the board of immigration commissioners; and in the absence of the state superintendent, it shall be the duty of the secretary to furnish all required information regarding immigration matters to persons who may apply thereto. And the said board is also authorized to appoint a clerk, who shall also act as stenographer and typewriter, at a salary not to exceed six hundred dollars per annum.

SEC. 8. *And be it further enacted*, That if it shall appear necessary or desirable in order to promote the objects of the bureau, the state superintendent may

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personally or through a special agent visit Canada or any of the States of the Union, for the purpose of inducing or attracting to this State such immigration as he shall deem desirable, and may also employ such other means of advertisement to that end as may commend themselves to his judgment, keeping himself for this and all other purposes, except salaries, within the appropriation for the expenses of this bureau.

SEC. 11. *Be it further enacted*, That the sum of three thousand dollars per year for the years 1898 and 1899 be, and the same is hereby, appropriated for the use of the bureau of immigration, for their expenses in carrying out the provisions of this article, said fund to be known and designated as the "Immigration fund," and the comptroller shall draw his warrant on said fund upon the requisition of the board of immigration commissioners, and the salaries of the superintendent and secretary shall be paid on the warrant of the comptroller and the requisition of the board of immigration commissioners out of any funds in the treasury not otherwise appropriated.

SEC. 13. After the 1st day of January, 1900, the superintendent of immigration shall proceed to collect statistics and information concerning the various branches of industry in this State and the needs thereof.

SEC. 2. *And be it enacted*, That this act shall take effect from the date of its passage.

Approved, April 7, 1898.

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MASSACHUSETTS.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1816 (an act for promoting the sale and settlement of public lands in the district of Maine).—An act was passed in 1816 providing for the sale of lands in Maine belonging to Massachusetts on terms and conditions which would encourage the settlement of such land and promote their development. This act makes no direct reference to immigration and therefore is not published in this compilation.

Act of 1837 (an act relating to alien passengers).—The law of 1837 authorized public officers to examine the condition of alien passengers entering ports; to require bonds of indemnity against any such passengers becoming a public charge within ten years; to collect a tax of $2 for each passenger landing; and to compel pilots to anchor vessels at places appointed.

Act of 1840 (an act in addition to an act relating to alien passengers).—The act of 1840 prescribed regulations governing public funds derived from the tax on alien passengers.

Act of 1843.—An act was passed in 1843 to incorporate the Boston Society for the Diffusion of Information Among Immigrants.

Act of 1845 (an act concerning alien passengers).—A statute was enacted in 1845 requiring town treasurers to pay balances of receipts from alien passengers into the treasury of the Commonwealth.

Act of 1848 (an act concerning alien passengers).—The act of 1848 provided for the appointment of superintendent of alien passengers; for the examination of alien passengers; for bonds of indemnity to protect the State against expenses incurred in behalf of aliens; and for publishing data concerning aliens.

Act of 1849 (an act concerning alien passengers).—The act of 1849 repeals sections of former acts relating to alien passengers not bonded.

Act of 1850.—The act of 1850 requires a bond that aliens entering shall not become a public charge and provides strict regulations for the admission of aliens.

Act of 1851 (an act to appoint a board of commissioners in relation to alien passengers and state paupers).—The act of 1851 creates a board of commissioners to regulate the introduction of aliens into the Commonwealth and the support of state paupers.

Act of 1852 (an act concerning alien passengers).—The act of 1852 modified existing laws regulating the admission and residence of aliens.

(An act concerning the transit of alien passengers).—Under the authority of the act of 1853, money paid for landing alien passengers shall be refunded if such passengers leave the State within forty-eight hours after such payment.

Act of 1853 (an act relating to the commutation of bonds taken by superintendents of alien passengers).—By the act of 1853 commissioners of alien and state paupers were authorized to commute the

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bonds taken by superintendents of aliens; and provision was made for the accounts for the support of persons for whom bonds were taken to be paid from the state treasury.

Act of 1854 (an act in addition to an act concerning the transit of alien passengers).—The act of 1854 provides for fixing permanent responsibility for indemnity in event that any alien who is bonded, and whose bond is commuted, becomes a public charge within five years.

Act of 1855 (an act in addition to an act to appoint a board of commissioners in relation to alien passengers and state paupers).—The act of 1855 repealed the prior act of 1851 and regulated the compensation of agents of the board.

Act of 1856 (an act relating to the board of commissioners on alien passengers and state paupers).—A board of commissioners on alien passengers and state paupers was created by the act of 1856.

Act of 1865.—An act was passed in 1865 repealing certain provisions of law respecting alien passengers.

Act of 1866 (an act concerning alien passengers on vessels coming from without the United States).—The act of 1866 amends the regulations governing alien passengers and State paupers.

Act of 1869 (an act to amend chapter seventy-one of the general statutes relating to alien passengers).—Provision is made by the act of 1869 for alien passengers to be under the supervision of a general agent of the board of State charities.

Act of 1870.—An act was passed in 1870 repealing certain provisions respecting alien passengers and reenacting others.

Act of 1872 (an act in relation to alien passengers).—The act of 1872 authorizes the consolidation in one bond of all cases in which bonds are required for alien passengers.

Resolution of 1883 (resolve concerning the supervision of immigration).—The resolution of 1883 approved an agreement relating to immigration entered into by the Secretary of the Treasury of the United States and the state board of health, lunacy, and charity.

Resolutions of 1892 (resolve providing for an investigation of the burdens imposed on the Commonwealth by the immigration of paupers and criminals).—The resolutions of 1892 authorize the appointment of a board of commissioners to investigate the effect upon the Commonwealth of the migration of dependent persons, paupers, and criminals from other States.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1837.

[Massachusetts State Laws, 1837, ch. 238, p. 270.]

AN ACT Relating to alien passengers.

Be it enacted by the senate and house of representatives, in general court assembled, and by the authority of the same, as follows:

SECTION 1. When any vessel shall arrive at any port or harbor within this State, from any port or place without the same, with alien passengers on board, the officer or officers whom the mayor and aldermen of the city or the selectmen of the town where it is pro-

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posed to land such passengers are hereby authorized and required to appoint, shall go on board such vessel and examine into the condition of said passengers.

SEC. 2. If, on such examination, there shall be found among said passengers, any lunatic, idiot, maimed, aged, or infirm persons incompetent in the opinion of the officer so examining, to maintain themselves, or who have been paupers in any other country, no such alien passenger shall be permitted to land, until the master, owner, consignee, or agent of such vessel shall have given to such city or town a bond in the sum of one thousand dollars, with good and sufficient surety, that no such lunatic or indigent passenger shall become a city, town, or State charge within ten years from the date of said bond.

SEC. 3. No alien passengers, other than those spoken of in the preceding section shall be permitted to land until the master, owner, consignee, or agent of such vessel shall pay to the regularly appointed boarding officer the sum of two dollars for each passenger so landing; and the money so collected shall be paid into the treasury of the city or town, to be appropriated as the city or town may direct for the support of foreign paupers.

SEC. 4. The officer or officers required in the first section of this act, to be appointed by the mayor and aldermen or the selectmen, respectively, shall from time to time notify the pilots of the port of the said city or town of the place or places where the said examination is to be made, and the said pilots shall be required to anchor all such vessels at the place so appointed and require said vessels there to remain till such examination shall be had; and any pilot who shall refuse or neglect to perform the duty imposed upon him by this section, or who shall through negligence or design permit any alien passenger to land before such examination shall be had, shall forfeit to the city or town a sum not less than fifty nor more than two thousand dollars.

SEC. 5. The provisions of this act shall not apply to any vessel coming on shore in distress or to any alien passengers taken from any wreck where life is in danger.

SEC. 6. The twenty-seventh section of the forty-sixth chapter of the Revised Statutes is hereby repealed; and the twenty-eighth and twenty-ninth sections of the said chapter shall relate to the provisions of this act in the same manner as they now relate to the section hereby repealed.

SEC. 7. This act shall take effect from and after the passage of the same.

Approved by the governor, April 20, 1837.

ACT OF 1840.

[Massachusetts State Laws, 1840, ch. 96, p. 242.]

AN ACT In addition to "An act relating to alien passengers."

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. The treasurer of every town and city shall, in the month of January next, make a return to the legislature of all moneys received from alien passengers under the act passed the 20th

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day of April, in the year 1837, entitled "An act relating to alien passengers," and paid into the treasury of such city or town, showing all receipts and expenditures up to the end of the present year by virtue of said act; and shall every year thereafter, in the month of January, make returns of all such receipts and expenditures during the preceding year, and every treasurer of any city or town who shall neglect to make such return shall for every offence forfeit to the Commonwealth a sum not exceeding five hundred dollars, to be recovered in an action of the case to be prosecuted by the treasurer of the Commonwealth.

SEC. 2. The treasurer of every town and city in this Commonwealth shall, in the month of May of this year, pay into the treasury of the Commonwealth all balances then remaining in their treasuries under the provisions of the two hundred and thirty-eighth chapter of the laws of the year 1837, under the penalty of a sum not exceeding five hundred dollars for such neglect, to be recovered by indictment for the use of the Commonwealth.

Approved by the governor, March 24, 1840.

ACT OF 1843.

[Massachusetts State Laws, 1843, ch. 49, p. 22.]

AN ACT To incorporate the Boston Society for the Diffusion of Information among Emigrants.

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. James Boyd, J. W. James, Samuel A. Eliot, their associates and successors, are hereby made a corporation, by the name of the Boston Society for the Diffusion of Information among Emigrants, for the purpose of disseminating information and giving useful advice to foreigners who have arrived, or are desirous of emigrating to the United States, with all the powers and privileges and subject to all the duties, liabilities, and restrictions set forth in the forty-fourth chapter of the Revised Statutes, so far as the same are applicable to said corporation.

SEC. 2. The said corporation may take and hold real and personal estate, for the purpose aforesaid, to an amount not exceeding forty thousand dollars.

Approved by the governor, March 23, 1843.

ACT OF 1845.

[Massachusetts State Laws, 1845, ch. 76, p. 427.]

AN ACT Concerning alien passengers.

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

The treasurer of every town and city in this Commonwealth shall pay into the treasury of the Commonwealth the sums now remaining in their hands received from alien passengers; and said town and city treasurers shall annually, hereafter, in the month of May, pay

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into the treasury of the Commonwealth all balances remaining in their hands, under the provisions of the two hundred and thirty-eighth chapter of the statutes of the year 1837.

Approved by the governor, February 26, 1845.

ACT OF 1848.

[Massachusetts State Laws, 1848, ch. 313, p. 796.]

AN ACT Concerning alien passengers.

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint and commission some suitable person to be superintendent of alien passengers in each city and town of the Commonwealth, when it may be necessary for the execution of the provisions herein contained, who, before entering upon the duties of his office, shall be duly sworn, and shall give bonds to the state treasurer, with sufficient sureties for the performance thereof, in such sum as shall be specified by the governor in his commission, and who shall hold said office until another shall be appointed, commissioned, and qualified in his stead; and the superintendent shall, from time to time, notify the pilots of the port of the said city or town of the place or places where the said examination is to be made, and the said pilot shall be required to anchor all such vessels at the place so appointed, and shall require said vessels there to remain until such examination shall be had; and any pilot who shall refuse or neglect to perform the duty imposed upon him by this section or who shall, through negligence or design, permit any alien passenger to land before such examination shall be had, shall forfeit to the city or town a sum not less than fifty nor more than two thousand dollars.

SEC. 2. The governor, with the advice and consent of the council, shall determine the salary of each superintendent of alien passengers by him appointed, and shall specify the same in his commission: *Provided, however*, That such salary shall never exceed the net amount of alien-passenger money received by such superintendent, according to the provisions of this act.

SEC. 3. The superintendents of alien passengers shall have a care and oversight of all causes and matters arising under this act in the city or town for which they are appointed; and whenever a breach of any of its provisions shall come to their knowledge, they shall, with the advice of the district attorney for their district, institute prosecutions, by indictment or otherwise, for the forfeitures incurred.

SEC. 4. When any vessel shall arrive at any port or harbor within this State, with alien passengers on board who have never before been within the State, the superintendent of the city or town where it is intended to land such passengers shall go on board such vessels and shall examine into the condition of said passengers; and the master or commanding officer of such vessel shall, within twenty-four hours after such arrival, make a report in writing, under oath, to said superintendent, of the name, age, sex, occupation, place of birth, last place of residence, and condition of every such passenger, and

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none of them shall be landed, or be permitted to land, until such report shall be made, except as is hereinafter provided.

SEC. 5. If on examination there shall be found among said passengers any lunatic, idiot, maimed, aged, or infirm person, incompetent, in the opinion of the superintendent so examining, to maintain themselves, or who have been paupers in any other country, no such alien passengers shall be permitted to land until the master, owner, consignee, or agent of such vessel shall make and deliver to said superintendent a bond to the Commonwealth, with such sureties as are undoubted and satisfactory, in the sum of one thousand dollars that no such lunatic or indigent passenger shall ever become a city, town, or public charge from the date of said bond: *Provided, however*, that if it shall be made to appear to said superintendent by undoubted evidence that any passengers on board of such vessel are in such condition as to health, property, capacity, and character that they are not likely to become chargeable to any city or town he may permit them to be landed on payment to him by said master, consignee, or agent of the sum of two dollars for each passenger so landed; and the names of all such passengers shall be certified by said superintendent on the back of the report: *And provided further*, That if any such passengers are so sick or destitute as to require relief, and if said master shall refuse to report them, or if said master, owner, consignee, or agent shall refuse to give such bond as is herein required, the said superintendent shall permit them to be landed, and in such cases any city or town that shall be put to any expenses for the support, sickness, or burial of any such passenger within ten years of the time he has so landed may maintain an action of debt against said master, owner, consignee, or agent and recover all expense incurred as aforesaid; and said commanding officer, owner, consignee, or agent shall be liable to the penalties provided in the tenth section of this act.

SEC. 6. Every superintendent of alien passengers shall, on the third Wednesday of January, April, July, and October of each year, render an account to the treasurer of the Commonwealth of all the moneys received by him and his assistants under the provisions of this act up to the first days of said months of January, April, July, and October; and after deducting therefrom the amount of salary due to him up to the time to which said quarterly accounts shall severally extend, shall pay the balance into the state treasury; and the treasurer shall, as soon as may be after the third Wednesday of January of each year, lay said accounts before the legislature.

SEC. 7. The treasurer of the Commonwealth shall, during the months of January, May, and September of each year, cause to be published, in some convenient form for reference, an abstract of the reports and bonds deposited with him by superintendents, as provided in the seventh section, which abstract shall contain an alphabetical list of all the names of alien passengers that shall have been reported up to the time of publishing said abstract and not previously published, with the reported age, sex, occupation, place of birth, and last place of residence of each of said aliens; also the time and place of their landing, the name of the vessel from which they were landed, and, if bonds of indemnity shall have been given as is provided in the fifth section, the names of the obligors in said bonds and their residences, and also the names of such alien passengers as shall have been permitted to land by any superintendent under the second proviso

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contained in said fifth section, together with the name of the vessel from which they were landed, the time when landed, with the names, respectively, of the master, commanding officer, owner, consignee, or agent of such vessel; and the treasurer shall forward a copy of said abstract, when so published, to the clerks of the several towns and cities in the Commonwealth.

SEC. 8. The overseers of the poor, in any town where there may be no superintendent of alien passengers, or where such superintendent shall be unable to perform his duties by reason of absence or ill health, shall perform the duties and exercise the authority herein conferred on such superintendents, and shall in like manner render their accounts to the state treasurer and pay over the money so received, deducting therefrom a reasonable compensation for their services.

SEC. 9. If any master or any commanding officer of any vessel shall land any such alien passengers at any place within this State other than those to which such vessel is destined, with intent to avoid the requirements of this act, such master or commanding officer shall forfeit the sum of one hundred dollars for every such passenger so landed.

SEC. 10. If any master or commanding officer of any vessel shall land, or permit to be landed, in this State, any alien passengers as aforesaid, without complying with the provisions of this act, said master or commanding officer, and the owner or consignee thereof, shall severally forfeit the sum of five hundred dollars for every such alien passenger so landed: *Provided always*, That the provisions in this act shall not extend to seamen sent from foreign places by consuls or vice-consuls of the United States, nor to vessels coming on shore in distress, or to any alien passenger taken from any wreck where life is in danger.

SEC. 11. The two hundred and thirty-eighth chapter of the statutes of the year one thousand eight hundred and thirty-seven, and also the ninety-sixth chapter of the statutes of the year one thousand eight hundred and forty, and also the seventy-sixth chapter of the statutes of the year one thousand eight hundred and forty-five, are hereby repealed: *Provided*, That nothing herein contained shall release any city or town from paying into the treasury any amount of money which shall have accrued to the State.

SEC. 12. This act shall take effect from and after its passage.

Approved by the governor, May 10, 1848.

ACT OF 1849.

[Laws of Massachusetts, 1849, p. 20, ch. 34.]

AN ACT Concerning alien passengers.

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. So much of the seventh section of an act passed the 10th day of May, in the year 1848, entitled "An act concerning alien passengers," as relates to alien passengers not bonded is hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

Approved by the governor, March 16, 1849.

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ACTS OF 1850.

I.

[Massachusetts State Laws, 1850, ch. 105, p. 338.]

AN ACT Relating to alien passengers.

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. Any master, owner, consignee, or agent of any vessel, or any passenger carrier by water, who shall bring or aid in bringing into this Commonwealth any alien never before within the State, shall, for each and every such alien, give a bond to the Commonwealth with good and sufficient sureties, to be approved by the superintendent of alien passengers, in the penalty of one thousand dollars, with a condition that no such alien shall ever become a city, town, or state charge as a pauper, and in default of giving such bond shall forfeit and pay to the use of the Commonwealth the sum of one thousand dollars for every such alien so brought into the State, to be recovered by action of debt in any court competent to try the same: *Provided*, That it shall be at the option of every such master, owner, consignee, or agent of any vessel, or passenger carrier by water, to pay to the superintendent of alien passengers, for the use of the Commonwealth, in place of such bond, the sum of two dollars for every such alien who is not, in the opinion of the superintendent, a pauper, lunatic, or idiot, or maimed, aged, infirm, or destitute, or incompetent to take care of himself or herself without becoming a public charge as a pauper: *And provided also*, That this act shall not extend to seamen sent from foreign ports by consuls or vice-consuls of the United States, nor to ambassadors, consuls, or public ministers, or other persons representing foreign states, nor to persons coming on shore from vessels in distress, nor to any alien passengers taken from any wreck where life is in danger.

SEC. 2. The superintendent of alien passengers in any city or town of this Commonwealth may make all demands for bonds under this act, and all examinations of alien passengers brought or coming into this State by water, necessary to enforce the provisions of this act and all other acts in relation to alien passengers.

SEC. 3. The abstract of returns and bonds deposited with the treasurer of the Commonwealth by the superintendent of alien passengers, to be published by him in the months of January, May, and September in each year, and forwarded to the clerks of the several towns and cities in the Commonwealth, shall be so published and forwarded monthly.

SEC. 4. Justices of the peace may, upon the complaint of superintendents of alien passengers, exercise the same power which, by the seventeenth section of the forty-sixth chapter of the Revised Statutes, they are now authorized to exercise upon the complaint of overseers of towns.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 6. Whenever any city or town shall have incurred any expense or charge for the support of any alien for whom a bond has

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been given, under the provisions of the first section of this act, or the fifth section of the three hundred and thirteenth chapter of the acts of the year 1848, the claims of such city or town therefor, upon being approved by the auditor, may be paid by the treasurer of the Commonwealth, whose duty it shall be to cause the same to be forthwith collected of the obligors in such bond, and paid into the treasury of the Commonwealth.

SEC. 7. This act shall take effect from and after its passage.

Approved by the governor, March 20, 1850.

II.

[Massachusetts State Laws, 1850, ch. 292, p. 467.]

AN ACT Requiring returns from superintendents of alien passengers.

Be it enacted by the senate and house of representatives, in general court assembled, and by the authority of the same, as follows:

SECTION 1. The superintendents of alien passengers shall, on or before the 15th day of December, of each year, make returns of all moneys by them received and expended to the treasurer of the Commonwealth, and said returns shall show the details of every account for which said moneys have been received and expended.

SEC. 2. All acts or parts of acts inconsistent herewith are repealed.

Approved by the governor, May 3, 1850.

ACT OF 1851.

[Massachusetts State Laws, 1851, ch. 342, p. 847.]

AN ACT To appoint a board of commissioners in relation to alien passengers and state paupers.

Be it enacted by the senate and house of representatives, in general court assembled, and by the authority of the same, as follows:

SECTION 1. The governor and council shall, upon the passage of this act, and hereafter in the month of January, annually, appoint a member of the council, who, with the auditor of accounts of the Commonwealth and the superintendent of alien passengers for the city of Boston, shall constitute a board of commissioners to superintend the execution of such laws as are now in force, or may hereafter be enacted, in relation to the introduction of aliens into this Commonwealth and the support of state paupers therein.

SEC. 2. The commissioners shall have authority to appoint one or more persons, whose duty it shall be to visit, at least once in every year, all the almshouses or places in the Commonwealth where state paupers are supported and ascertain, from actual examination and inquiry, whether the laws in respect to such paupers are properly regarded, particularly in relation to such as are able to labor or are but partially supported by the respective cities and towns; and in case any infractions of the laws are discovered, make immediate report thereof to the commissioners, who shall examine and decide upon all such cases and thereupon notify the auditor of accounts. The commissioners shall also give such directions as will insure correctness in the returns now required to be made in relation to

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paupers, and may use such means as are necessary to collect all desired information in relation to their support.

SEC. 3. The said commissioners shall appoint one or more persons, to be approved by the governor and council, whose duty it shall be to ascertain the names of all foreigners who are landed in any city or town within this State, otherwise than by water, and also procure all such further information in relation to the age, etc., of said foreigners as is practicable in order to identify them in case they should hereafter become a public charge. And all officers and agents of railroad corporations and proprietors or agents of other means of conveyance are hereby required to furnish the agents of the Commonwealth, when so required, with the information above named, so far as in their power, by filling up blanks to be furnished them for that purpose. Any neglect or refusal to furnish such information, when requested, shall be punishable by a fine of not less than twenty dollars for each person in relation to whom the refusal is made, to be collected by the commissioners, for the use of the Commonwealth, of the corporation, proprietors, or agents aforesaid.

SEC. 4. The one hundred fifth chapter of the statutes of the year 1850, being "An act relating to alien passengers," is hereby so far modified or amended as to except from its provisions lines of communication established for the regular transportation of passengers by water and not extending beyond or stopping at places without the limits of the United States; and such lines shall be subject to the provisions and liabilities of this act in manner and form as provided for railroad corporations and proprietors of other means of conveyance in the preceding section.

SEC. 5. Any aliens or other persons who shall be brought into this Commonwealth as above specified shall, if they fall sick, or from any cause become a public charge within one year after coming into the Commonwealth, be supported, as long as necessary, at the expense of said corporation or party by whose means they were brought into the Commonwealth in the same manner as is now provided in regard to alien passengers by water: *Provided, however*, That the party liable for support shall be notified of his liability, in any particular case, as soon as practicable, in order that he may, if so disposed, provide for other means of support or removal.

SEC. 6. The commissioners shall annually, in the month of January, make a report of their doings to the governor and council, to be laid by the governor before the legislature, and shall therein make such suggestions in relation to the present or other plans for the support of paupers as may occur to them.

SEC. 7. The commissioners shall have such compensation for their services as may be deemed advisable and reasonable by the governor and council, and the agents appointed by them such salary as may be fixed by the commissioners, not exceeding three dollars for each day employed, together with their necessary expenses for board and travel; the same to be paid quarterly, as other public salaries.

SEC. 8. All acts inconsistent with the provisions of this act are hereby repealed.

SEC. 9. This act shall take effect from and after its passage.

Approved by the governor, May 24, 1851.

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ACT OF 1852.

[Massachusetts State Laws, 1852, ch. 279, p. 195.]

AN ACT Concerning alien passengers.

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. The fifth section of the act entitled "An act concerning alien passengers," approved on the 10th day of May, in the year 1848, is hereby amended so as to read as follows:

If on examination there shall be found among said passengers any lunatic, idiotic, deaf and dumb, blind, or maimed person, no such person shall be permitted to land until the master, owner, consignee, or agent of such vessel shall make and deliver to said superintendent a bond to the Commonwealth, with satisfactory sureties, in the sum of one thousand dollars, conditional that such passenger shall not, within ten years from the date of said bond, become a city, town, or state charge within this Commonwealth. And in respect to every other of said passengers the said superintendent, before he shall be permitted to land, shall require a bond, secured as aforesaid, in the sum of three hundred dollars, conditioned that such person shall not become a charge as aforesaid within five years from the date of said bond: *Provided, however*, That in lieu of the bond lastly above mentioned the said superintendent may receive from said master, owner, consignee, or agent, such sum as in his judgment shall be sufficient to cover the risk incurred by the Commonwealth in permitting such passenger to be landed, and thereupon permit such passenger to be landed: *Provided*, That the sum so to be paid shall in no case be less than two dollars; and the names of all such passengers shall be certified by said superintendent on the back of the report: *And provided further*, That if any passengers so arriving as aforesaid are so sick or destitute as to require relief, and if said master shall refuse to report them, or if said master, owner, consignee, or agent shall refuse to give such bond as is herein required, the said superintendent may permit them to be landed, and in such cases any city or town that shall be put to any expense for the support, sickness, or burial of any such passenger, within ten years of the time he has so landed, may maintain an action of debt against said master, owner, consignee, or agent, and recover all expenses incurred as aforesaid; and said commanding officer, owner, consignee, or agent shall be liable to the penalties provided in the tenth section of this act.

SEC. 2. This act shall take effect from and after its passage.

Approved by the governor, May 20, 1852.

ACTS OF 1853.

I.

[Massachusetts State Laws, 1853, ch. 360, p. 580.]

AN ACT Concerning the transit of alien passengers.

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. When any master, consignee, or agent shall have paid to the superintendent of alien passengers, or to the overseers of the poor in any town or city in this Commonwealth, the sum of two dollars for the landing of any alien passenger, as required by section fifth of the three hundred and thirteenth chapter of the acts of 1848, said sum of two dollars shall be refunded to said master, agent, or consignee if within thirty days after such payment he shall produce satisfactory evidence to said superintendent or to said overseers that

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such passenger, for whom said sum was by him paid, left the State within forty-eight hours after such payment, and upon receiving such evidence it shall be the duty of such superintendent or overseer to refund such money, and he shall state the amounts so refunded in his quarterly accounts, and shall not be bound the same into the state treasury: *Provided*, That if any alien passenger, for whom the money paid shall have been refunded as above provided, shall at any time return into this State, all the laws relating to alien passengers who have never been before in the State shall be applicable to such alien passengers and to any person who shall bring such passenger a second time within the limits of the State.

SEC. 2. The superintendent of alien passengers, or the overseers of the poor, instead of receiving the payment of two dollars aforesaid, may in any case take the bond, with sufficient sureties, for such payment, and on proof that the passengers aforesaid have left the State within forty-eight hours after giving such bond, said superintendent or overseers shall cancel such bonds.

SEC. 3. This act shall take effect from and after its passage.

Approved by the governor, May 23, 1853.

II.

[Massachusetts State Laws, 1853, ch. 366, p. 585.]

AN ACT Relating to the commutation of bonds taken by superintendents of alien passengers.

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. The commissioners on aliens and state paupers appointed under the act of 1851, chapter 342, are hereby authorized and empowered to commute the bonds taken by superintendents of alien passengers in this Commonwealth, in accordance with the provisions of the act of 1848, chapter 313, upon such terms as in their judgment may promote the interest of the Commonwealth.

SEC. 2. The accounts of the several cities and towns for support of persons for whom bonds have been taken, which shall be commuted as provided for in the first section of this act, and also all accounts for support of persons commuted under the act of 1852, chapter 279, shall, after being examined by said commisssioners and allowed by the auditor of accounts, be paid from the treasury of the Commonwealth.

SEC. 3. This act shall take effect from and after its passage.

Approved by the governor, May 23, 1853.

ACT OF 1854.

[Massachusetts State Laws, 1854, ch. 219, p. 145.]

AN ACT In addition to "An act concerning the transit of alien passengers."

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

The act of 1853, chapter 360, is so far amended, as that if any alien passenger, on whose account the commutation money has been re-

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funded or bonds canceled, shall, within five years from the date thereof return into this State and become a public charge, then the party who originally paid the commutation money or gave the bond shall become responsible for and pay the cost of the support of such alien in the same manner as if a bond had been taken and not canceled.

Approved by the governor, April 4, 1854.

ACT OF 1855.

[Massachusetts State Laws, 1855, ch. 486, p. 923.]

AN ACT In addition to "An act to appoint a board of commissioners in relation to alien passengers and state paupers."

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. The agents appointed by said commissioners shall have such salary as may be fixed by the commissioners, not exceeding four dollars for each day employed, together with their necessary expenses for board and travel.

SEC. 2. So much of the seventh section of the act passed May 24, 1851, as is inconsistent with the provisions of this act, is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

Approved by the governor, May 21, 1855.

ACT OF 1856.

[Massachusetts State Laws, 1856, ch. 294, p. 231.]

AN ACT Relating to the board of commissioners on alien passengers and state paupers.

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. The governor and council shall, upon the passage of this act, appoint a suitable person, for a term of three years, who, with the auditor of accounts of the Commonwealth, and the superintendent of alien passengers for the city of Boston, shall constitute a board of commissioners on alien passengers and State paupers, and said commissioners shall have all the powers and perform the duties of the "Board of commissioners in relation to alien passengers and state paupers," appointed under the provisions of the three hundred and forty-second chapter of the acts of the year 1851.

SEC. 2. At the expiration of said term, and hereafter, whenever a vacancy shall occur, there shall be appointed, to fill the vacancy in said board, a person who shall hold the office for a term of three years.

SEC. 3. The said commissioners shall have the same power to bind, as apprentices, minors who are inmates of the hospital at Rainsford Island, and the same powers, respectively, in relation to any state paupers who are now or may hereafter become inmates of the same, or of either of the lunatic asylums in this Commonwealth, and their

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property, if they have any, or any property left by them, in case of their decease, as are by law vested in towns, and in the overseers of the poor in towns, in reference to those paupers who are in any way supported or relieved by towns.

SEC. 4. So much of the first section of the three hundred and forty-second chapter of the acts of the year 1851 as requires the governor and council to appoint a member of the council upon the "Board of commissioners in relation to alien passengers and state paupers," is hereby repealed.

Approved by the governor, June 6, 1856.

ACT OF 1865.

[Massachusetts State Laws, 1865, ch. 160, p. 557.]

AN ACT Repealing certain provisions respecting alien passengers.

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. The sixteenth, seventeenth, and eighteenth sections of the seventy-first chapter of the General Statutes are hereby repealed.

SEC. 2. This act shall take effect upon its passage.

Approved, April 27, 1865.

ACT OF 1866.

[Massachusetts State Laws, 1866, ch. 292, p. 273.]

AN ACT Concerning alien passengers on vessels coming from without the United States.

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. The provisions of sections 12 and 14 of chapter 71 of the General Statutes shall apply to all vessels arriving at any port of this Commonwealth from any port or place without the limits of the United States, or which shall have stopped at any such port during their voyages.

SEC. 2. In all actions brought by or on account of alien passengers and state paupers under the provisions of chapters 71 and 72 of the General Statutes the civil process may be served by the constable of the Commonwealth or any one of his deputies.

Approved, May 30, 1866.

ACT OF 1869.

[Massachusetts State Laws, 1869, ch. 251, p. 585.]

AN ACT To amend chapter 71 of the General Statutes, relating to alien passengers.

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. Vessels bringing passengers to any port in this Commonwealth shall be under the supervision of the general agent of state charities, acting as superintendent of alien passengers for the port of Boston, who shall enforce in regard to such vessels and the

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passengers brought therein all the provisions of law concerning the introduction of strangers and aliens by sea into this Commonwealth; and for this purpose the officers authorized by section 11 of chapter 71 of the General Statutes shall be appointed and commissioned by the general agent of state charities, and shall be deemed his deputies, and each deputy shall receive a compensation for his services, to be fixed by said agent, such compensation not to exceed the amount of alien passenger money received by such deputy.

SEC. 2. The deputies shall, at the close of each month, make a detailed report to the board of state charities, through its general agent, giving the name of each vessel arriving, the number, names, and description of the passengers brought, the numbers, respectively, for whom commutation was accepted or refused, and such other information in relation thereto as may be required by him, and they shall further give bond for the faithful performance of their duties in such sum as he may require. The compensation of the said deputies shall be paid from the appropriation of the general agent, and all fees for commutation collected by them shall be paid over monthly to the said agent, who shall account for the same to the treasurer in the manner now provided by law.

SEC. 3. The general agent shall institute prosecutions for the violation of any provisions of the laws concerning the introduction of aliens and strangers by sea into this Commonwealth, and for this purpose may employ counsel when necessary; but whenever such violation shall appear to him to have occurred without intent, he may commute the forfeiture for a sum not less than fifty dollars, the attorney-general advising thereto.

SEC. 4. This act shall take effect upon its passage.

Approved, May 10, 1869.

ACT OF 1870.

[Massachusetts State Laws, 1870, ch. 215, p. 143.]

AN ACT Repealing certain provisions respecting alien passengers and reenacting others.

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 160 of the acts of 1865 is hereby repealed, and sections 16, 17, and 18 of chapter 71 of the General Statutes are hereby reenacted.

SEC. 2. This act shall take effect upon the 1st day of May, in the year 1870.

Approved, May 5, 1870.

ACT OF 1872.

[Massachusetts State Laws, 1872, ch. 169, p. 123.]

AN ACT In relation to alien passengers.

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. Section 15 of chapter 71 of the General Statutes is hereby amended by striking out the words between the word "charge," in the

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Resolved, That the secretary of the Commonwealth be requested to transmit copies of the foregoing resolution to the presiding officers of both sides of the Congress of the United States, to each of the Senators and Representatives therein from this Commonwealth, and the governors of the several States of the United States.

In senate, adopted May 13, 1892.

In house of representatives, adopted in concurrence May 23, 1892.

II.

[Massachusetts State Laws, 1892, ch. 91, p. 576.]

RESOLVE Providing for an investigation of the burdens imposed on this Commonwealth by the immigration of paupers and criminals.

Resolved, That the governor, with the advice and consent of the council, is authorized to appoint a board of commissioners, to consist of three suitable persons, to investigate the effect on this Commonwealth of the migration of dependent persons, paupers, and criminals from other States. Said commissioners shall serve without compensation, but shall be allowed for all expenses actually incurred in the performance of their official duties such sum, to be paid out of the treasury of the Commonwealth, as the governor, with the advice and consent of the council, shall approve. Said commissioners shall report the result of their investigations, with such recommendations as may seem best to them, to the next general court. The total amount to be expended under authority of this resolve shall not exceed the sum of one thousand dollars.

Approved, June 15, 1892.

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MICHIGAN.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Law of 1869 (an act to promote immigration to Michigan).—Recognizing the importance of developing the resources of the State a law was enacted by the people of Michigan in 1869 authorizing the governor to appoint a commissioner of emigration "to reside in Germany for the purpose of encouraging immigration to Michigan from the German States and other countries of Europe." The salary of the commissioner shall not exceed $2,500 annually. A local agent to cooperate with the commissioner is provided for, subject to the discretion of the governor, at a salary of $1,500 a year. The expenses of conducting the affairs of the immigration office shall not exceed $5,000 per annum.

Law of 1881 as amended.—The governor is empowered under the amended act of 1881 to appoint a resident commissioner of emigration and an assistant commissioner for "the purpose of encouraging immigration from other States and from countries of Europe." The salaries are placed at $2,000 a year for the commissioner and $1,500 for the assistant.

Act of 1885 (an act to abolish the office of commissioner of emigration).—The act of 1885 repealed existing laws relating to immigration and abolished the office of commissioner of emigration.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1869.

[Michigan Acts, 1869, No. 112, p. 188.]

AN ACT To promote immigration to Michigan.

The people of the State of Michigan enact:

SECTION 1. That the governor be, and he is hereby, authorized and empowered to appoint a citizen of the State, at a salary not to exceed twenty-five hundred dollars per annum, to act as a commissioner of emigration, and to reside in Germany, for the purpose of encouraging immigration to Michigan from the German States and other countries of Europe, and to act under such advice and direction as the governor may from time to time deem proper to give to carry out the object of this act.

SEC. 2. The governor is authorized to draw upon the general fund for such an amount, not exceeding five thousand dollars in any one year, as he may consider necessary to defray the expenses of said commissioner in traveling, and in printing in the German and other languages, circulars, handbills, and pamphlets, and to appoint a

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local agent in this country to act in concert with said commissioner, at an annual salary not to exceed fifteen hundred dollars, if, in his opinion, the interests of the State will be promoted thereby.

SEC. 3. This act shall take immediate effect.

Approved, April 3, 1869.

ACT OF 1881.

[Public Acts, Michigan, session of 1881, No. 258, p. 350.]

AN ACT To amend sections 1 and 2 of an act entitled "An act to promote immigration in Michigan," being compiler's sections 206 and 207 of the Compiled Laws of 1871.

The people of the State of Michigan enact:

SECTION 1. That sections 1 and 2 of an act entitled "An act to promote immigration in the State of Michigan," being compiler's sections 206 and 207 of the compiled laws of 1871, be and the same are hereby amended so as to read as follows:

(206.) SEC. 1. The governor is hereby authorized and empowered to appoint a citizen of the State, at a salary not to exceed two thousand dollars per annum, to act as a commissioner of emigration for the purpose of encouraging immigration to Michigan from the other States and from the countries of Europe, said commissioner to act under the advice and direction of the governor, to carry out the object of this act.

(207). SEC. 2. The governor is authorized to draw upon the general fund for such an amount, not exceeding five thousand dollars in any one year, as he may consider necessary to defray the expense of said commissioner and his assistant, exclusive of salaries: *Provided, however,* That in addition to the above provision for expenses, all printing, binding, or map work that can be done under any contract the State has for such work shall be done thereunder, and the expense thereof be audited and paid for as other State printing is audited and paid. The governor is also authorized hereby to appoint an assistant to said commissioner, at an annual salary not to exceed fifteen hundred dollars and actual expenses, who shall be subject to the direction of the said commissioner, with the approval of the governor, as to the place where and the kind of labor to be performed.

Ordered to take immediate effect.

Approved, June 10, 1881.

ACT OF 1885.

[Public Acts, Michigan, session of 1885, No. 31, p. 25.]

AN ACT To repeal an act entitled "An act to promote immigration to Michigan," approved April 3, 1869, and the act amendatory thereof, entitled "An act to amend sections 1 and 2 of an act entitled 'An act to promote immigration in Michigan,'" being compiler's sections 206 and 207 of the compiled laws of 1871, approved June 10, 1881, and to abolish the office of commissioner of immigration as by said act and amendatory act provided for, and to transfer the books and archives of said office to the office of the secretary of state of the State of Michigan.

The people of the State of Michigan enact:

SECTION 1. That an act entitled "An act to promote immigration to Michigan," approved April 3, 1869, and the act amendatory thereof, entitled an act to amend sections 1 and 2 of an act entitled "An act to promote immigration in Michigan," being compiler's sections

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206 and 207 of the Compiled Laws of 1871, approved June 10, 1881, the same as amended being sections 328 and 329 of Howell's Annotated Statutes, be and the same is hereby repealed.

SEC. 2. The office of commissioner of immigration, as provided for under said original act, and the act amendatory thereof, is hereby abolished, and the incumbent of said office is hereby directed and required to transfer and turn over to the secretary of state of the State of Michigan, all the books, maps, papers, and other documents and archives of said office, at once. on the taking effect of this act, and the pay and emoluments of said commissioner of immigration and his clerks shall from that time cease.

SEC. 3. The books, maps, papers, and other documents constituting the archives of the office of commissioner of immigration shall be kept and preserved in the office of said secretary of state of this State, for future reference, and to constitute a part of the history of the State.

Ordered to take effect June 1, 1885.

Approved, March 24, 1885.

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MINNESOTA.

DIGEST OF IMMIGRATION AND ALIEN LAW.

Act of 1907 (an act to create a board of immigration and for the support of such board).—A board of immigration was created for Minnesota by an act of 1907. It shall consist of five members—the governor, auditor, and secretary of state, ex officio, and two members chosen by the ex officio members. Terms of service shall be two years. The board shall appoint a commissioner of immigration to perform such functions as the board may designate. The commissioner shall give bond for $10,000, conditioned upon the honest and faithful performance of his duties. The duties of the board shall be to collect and arrange data in reference to the special and general resources of the State and its advantages as a place of residence, to give broad publicity to such information, and to facilitate the immigration of all persons of good moral character who desire a change of domicile. The board shall present to each session of the legislature a biennial report of its transactions. It shall also cooperate with the state land commissioner in the advertising and disposal of public lands.

IMMIGRATION AND ALIEN LAW.

ACT OF 1907.

[Minnesota Laws, 1907, ch. 267, S. F. No. 128, p. 361.]

AN ACT Entitled "An act to create a board of immigration and for the support of such board."

Be it enacted by the legislature of the State of Minnesota:

SECTION 1. A board to be known as the Minnesota state board of immigration is hereby created.

SEC. 2. The said board shall be composed of five members. The governor, auditor of state, and secretary of state shall be ex officio members. The other two members shall be chosen by the three ex officio members aforesaid. The term of office of said appointed members shall be two years and until their respective successors shall have been duly chosen and qualified, and they shall serve without any compensation whatsoever. Each member of the board shall be a citizen of the United States of America and a resident of the State of Minnesota and a qualified elector. The governor shall, ex officio, be chairman of said board.

SEC. 3. The said board of immigration shall appoint a qualified elector of this State to be the general executive agent of said board, and such agent shall be officially known and styled commissioner of immigration. The said commissioner of immigration shall hold office during the pleasure of said board, shall receive such compensation as

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said board shall determine, and shall perform such functions as said board may designate. Before entrance upon the duties of his office the commissioner of immigration shall make and subscribe an oath of office in the usual form and shall execute and deliver to the governor a bond to the State of Minnesota in the sum of ten thusand dollars, with sufficient sureties, to be approved by said board, conditioned upon the honest and faithful performance of his duties as such commissioner. The said board shall also employ such other servants and agents as in the judgment of said board shall be necessary, and shall define the duties, terms of service, and compensation of the persons so employed.

SEC. 4. The Minnesota state board of immigration shall be provided with an office and suitable furniture and stationery at the expense of the State.

SEC. 5. The duties of said board of immigration, so far as practicable, shall be to collect and arrange statistics and other information in reference to the lands and general and special resources of the State of Minnesota and the advantages of this State as a place of residence; to spread knowledge of the same throughout the civilized world by correspondence, by messengers and public lectures, and by all forms of legitimate advertising; to facilitate the immigration of such persons of good moral character as may desire a change of domicile, and to answer all inquiries from persons residing within or without the State upon the subjects aforesaid. At each session of the State legislature the board shall make a report of all its transactions during the biennial period next preceding the first day of such session.

SEC. 6. The Minnesota state board of immigration shall, in addition to the performance of the duties hereinbefore described, cooperate, as far as practicable, with the state land commissioner in and about the advertising and disposal of public lands.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved, April 20, 1907.

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MISSISSIPPI.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1906 (an act creating a department of agriculture and immigration).—An act of 1906 created a department of agriculture and immigration under the supervision of a commissioner of agriculture, statistics, and immigration. The commissioner must have a scientific knowledge of agriculture, mining, manufacturing, statistics, and general industries. He shall be elected by the people for four years. The commissioner shall give bond for $5,000 and shall receive an annual salary of $2,400. He may appoint an assistant at a salary of $1,200 a year.

It shall be the duty of the commissioner to encourage the development of agricultural industries, to inspire the organization of local, county, and state agricultural associations; to collect and distribute data beneficial to agricultural industries; to investigate causes of diseases in all products of the State; to devise methods of destroying injurious insects; to determine varieties of grasses most profitable and least adapted to different sections of the State; to secure data about raising stock and poultry and culture of fish and bees; to investigate advantages of drainage, irrigation, and subsoiling for the State; to study wool and silk culture; and to report on ways of extending markets for cotton and its products. He shall collect statistics of agricultural products with aid of county tax assessors. He shall appoint a person in each county to cooperate. He shall collect specimens of woods, mineral and other products, with specific data for public inspection. He shall prepare a complete handbook of information relating to all products, resources, industries, and advantages of the State for the intelligence of investors or immigrants. He shall submit an annual report to the governor.

All heads of state institutions or departments of the state government shall assist the commissioner in securing accurate information. The commissioner may enter manufacturing plants chartered by the State and require data of public interest to be supplied. He may accept free transportation on common carriers.

Mississippi Code 1906.—Officers of vessels bringing to the State any infant, lunatic, vagrant, or person maimed, aged, or infirm who is likely to become a public charge shall give bond to indemnify the county against any expense or be fined $200 for each person imported. And whenever vessels land alien passengers at any port the commanding officers shall file a list of their names and give bond to indemnify the county against any expense incurred in behalf of any person on such list, and in default may be indicted, convicted, and fined $100 for each person.

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ACT OF 1906.

[Laws of Mississippi, 1906, ch. 102, S. B. No. 23, p. 83.]

AN ACT Creating a department of agriculture and immigration.

SECTION 1. *Be it enacted by the legislature of the State of Mississippi*, That a department of agriculture and immigration is created and established, under the management and control of a public officer to be known as commissioner of agriculture, statistics, and immigration, who shall have competent knowledge of agriculture, mining, manufacturing, statistics, and general industries, must be an experienced and practical agriculturist, and shall be elected by the people at the time and in the manner that other state officers are elected.

SEC. 2. The term of office of the commissioner of agriculture, statistics, and immigration shall be four years, beginning on January 1, 1908; and any vacancy occurring shall be filled by appointment by the governor, as provided by law.

SEC. 3. Immediately after the approval of this act the governor shall appoint a commissioner of agriculture, statistics, and immigration who shall hold office until January 1, 1908, or until his successor is elected and qualified.

SEC. 4. The commissioner, before entering upon the duties of the office, must take and subscribe the oath of office prescribed by the constitution; and must enter into bond, payable to the State of Mississippi, in the sum of five thousand dollars with a guaranty company, the expense of such bond being paid by the State. The bond must be approved by the attorney-general, and when approved shall, together with the oath of office, be filed in the office of the secretary of state.

SEC. 5. The salary of the commissioner shall be two thousand four hundred dollars annually, payable monthly.

SEC. 6. The commissioner must keep his office in the city of Jackson.

SEC. 7. The commissioner must appoint a clerk who must take the oath of office to discharge faithfully all the duties which are, or may be, required of him by law. He shall hold office during the term of the commissioner by whom he is appointed, and until the appointment and qualification of his successor, unless sooner removed.

SEC. 8. The clerk must discharge such duties as may be prescribed by the commissioner, and his annual salary shall not exceed one thousand two hundred dollars, payable monthly on certificate of the commissioner. The expenses necessarily incurred by him in traveling on business of the department, under direction of the commissioner, must be paid for and charged against the department.

SEC. 9. The following are the duties of the commissioner:

1. He shall encourage the proper development of agriculture, horticulture, and kindred industries.

2. He shall encourage the organization of neighborhood and county agricultural clubs and associations, and out of these the organization of the State Agricultural Association.

3. He shall collect and publish statistics and such other information regarding such industries of this State and of other States as

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may be of benefit in developing the agricultural resources of the State. To this end he shall put himself in connection and cooperate with the agricultural departments of other States, and with the Commissioner of Agriculture of the United States, and shall provide for the proper and careful distribution of all documents and information coming into his possession on account of the department that may be of interest and benefit to the people of the State.

4. He shall cause to be investigated the diseases of grain, cotton, fruit, and other crops grown in this State, and also remedies for such diseases, and also the habits and propagation of the various insects that are injurious to the crops of the State and the proper mode of their destruction.

5. He shall investigate the subject of grasses and report upon their value and the cultivation of the varieties best adapted to the different sections of the State.

6. He shall inquire into the subjects connected with dairying, that he may deem of interest to the people of the State, and in this connection the raising of stock and poultry, the obtaining of such as are of most value, and the breeding and propagation of the same; and shall encourage raising of fish and the culture of bees.

7. He shall investigate the subjects of subsoiling, drainage, etc., and the best mode of effecting each, and of irrigation and what portions of the State can be best benefited thereby.

8. He shall investigate and report upon the culture of wool and the utility and profit of sheep raising; also the culture of silk and its manufacture and preparation for market.

8*a*. No provision of this act shall be construed to in any way conflict with the work and scope of the Agricultural and Mechanical College and the Experiment Station. It is the purpose that this department shall cooperate with said college and experiment station in the dissemination and publicity of such useful information as may come into the possession of said departments.

9. He shall investigate and report on the question of broadening the market and demand for cotton and cotton goods in the United States and foreign countries.

10. He shall cause a proper collection of agricultural statistics to be made annually, and to this end shall furnish blank forms to the tax assessor of each county, and it is made the special duty of the tax assessor to whom said blanks are furnished to report to the bureau a list of all public or private ginners in his county, with their post-offices, upon the demand of the commissioner. That it shall be the duty of the commissioner to furnish to such ginner a form or forms of report to be made to the bureau at such time as the commissioner may direct. A failure to make such reports on the part of the ginner or assessor as required by said commissioner shall be deemed a misdemeanor, and, upon conviction, punished as provided by law. It shall be the duty of the members of the board of supervisors and the county tax assessor of each county in this State to make such reports as may be required by this bureau touching the matter within the scope of this bill; and failure of any supervisor or tax assessor to make such report when required shall be deemed a misdemeanor and shall be punished as provided by law.

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11. He shall appoint county correspondents, who shall report to him from time to time as may be desired.

12. He shall collect specimens of wood suitable for manufacture and other purposes, and specimens of agricultural, mineral, phosphate, and marl deposits of the State; cause correct analysis of such as may be deemed expedient to be made, and recorded in a substantial book to be kept for this purpose.

13. He shall also, as soon as practicable, prepare a convenient hand book, with necessary illustrated maps, which shall contain all necessary information as to the mines, mineral, forest, soil, and other products, climate, water, water power for the establishing of factories, land, flowers, fisheries, mountains, streams, and all other statistics as are best adapted to the giving of proper information and the attraction of advantages which the State affords to immigrants, and shall make illustrated expositions thereof whenever practicable at international and State expositions.

14. He shall make and publish such rules and regulations as he may deem necessary to carry into effect provisions of this chapter.

SEC. 10. The commissioner shall make and submit to the governor, on or before the 10th day of January each year, a report showing all expenditures of the bureau for the preceding year, and shall make a full and comprehensive report of the scope of the work and expenditures of the bureau to each session of the legislature within ten days of the convening thereof.

SEC. 11. In order to facilitate the collection and collation of the accurate information of the resources of the State along all lines, the head of the several departments of the State government and of the State institutions are hereby required to furnish accurately such information as may be at their command to the commissioner when called upon for same; and the commissioner is hereby empowered to enter manufacturing establishments chartered by the State in prosecution of this work, and that the corporations operating the same shall furnish such information as may not be injurious to their business, when requested to furnish same by the commissioner. The commissioner and his clerks shall have the right to accept and use free transportation over steamship, steamboat, and railway lines.

SEC. 12. That this act take effect and be in force from and after its passage.

Approved, April 14, 1906.

EXTRACTS FROM MISSISSIPPI CODE, 1906.

[Mississippi Code of 1906, p. 1011.]

3587 (3164). *Vessels bringing pauper immigrants, children, etc.*—If any person commanding a ship, vessel, steamboat, or other water craft, shall import into this State, or bring to the shores or within the limits thereof any infant, lunatic, maimed, aged, or infirm person, or vagrant who is likely to become chargeable on the county, on the requisition of the supervisor of the district or the mayor of any city, town, or village, the captain, master, or commander of such ship, vessel, steamboat, or other water craft shall enter into bond, with sufficient sureties, payable to the county, conditioned to in-

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demnify such county against all charges that may be incurred in the support and care of such person; and any captain, master, or commander failing or refusing to give the bond required shall forfeit and pay to the county the sum of two hundred dollars for each infant, lunatic, maimed, aged, or infirm person, or vagrant so brought into the State, to be recovered by action.

3588 (3165). *Master of vessel landing alien passengers.*—When any ship, vessel, or steamboat shall arrive at any port or harbor with alien passengers on board who are to be landed or left, and who may become a charge as paupers, the master or commanding officer of the vessel shall, before such passengers or any of them leave the ship, vessel, or steamboat, deposit with the supervisor of the district where the passengers are to be landed or left a list of their names, and shall forthwith enter into bond, with sufficient sureties, payable to the county, in a sufficient penalty, with condition to indemnify the county from all expenses which may arise from supporting or maintaining such aliens; and in default of such bond the captain, master, or commander may be committed by any justice of the peace or mayor of any city, town, or village until the bond be executed; and, moreover, the captain, master, or commander shall be liable to be indicted, and on conviction shall be fined in the sum of one hundred dollars for each person landed in violation of this section; but the board of supervisors on investigation of the matter may dispense with the bond.

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MISSOURI.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1864–65.—The laws of 1864–65, page 44, embody the first statute enacted by Missouri relative to the subject of immigration. It is prefaced by the following general review of conditions requiring it:

> The time has arrived when the subject of immigration should receive the immediate services and unremitting attention of every well-meaning citizen of our State in order to repair as rapidly as possible the losses of population sustained through the desolation of war, by the introduction of a people recommended by their loyalty, their industry, and their intelligence. And in order to secure this end every inducement should be offered that class of immigrants, come from what portion of the civilized world they may. And the development of our agricultural and mineral resources should be thus encouraged.

The board of immigration shall be composed of five members, including the governor and secretary of state, ex officio, and three other persons appointed by the governor.

It shall be the duty of the board to do everything which may enhance and encourage immigration to our State from whatever source procurable. Also to cooperate with the Federal Bureau of Immigration; and to make regular reports to the legislature with reliable data for the guidance of future legislation on this subject. The board shall have power to publish pamphlets, essays, and articles describing the developed and undeveloped agricultural and mineral resources of the State, the facilities for navigation, the railroad connections and widespread commerce. It shall also be their duty to distribute them in localities in which they may prove "beneficial and useful for the promotion of immigration to our State."

The board shall have power to appoint agents for points in this country and in Europe "for the purpose of aiding and advising immigration."

The board shall hold meetings in St. Louis at least once each quarter, the governor presiding. Other officers shall be elected by ballot from its members.

The treasurer shall give bond in the sum of $10,000.

To supplement the State's appropriation of $4,000 the board is authorized "to open books and solicit contributions and endowments of money from corporations, manufacturers, merchants, and all persons who are immediately and directly benefited by the flow of immigration."

Act of 1867.—The laws of 1867, page 120, authorize "the formation of immigration societies of five or more persons for the purpose of aiding, encouraging, or inducing immigration into such county, city, or town as they may designate in their articles of association."

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Act of 1875.—The act of 1875, page 77, amends the general law by providing that the "president of any incorporated association for the encouragement of immigration or the better protection of immigrants shall be ex officio a member of the board of immigration."

Act of 1879.—The act of 1879, page 107, repeals prior acts relating to immigration and establishes a board of immigration consisting of three commissioners to be appointed by the governor. Their term of office shall be four years. The president of the board shall be selected by the governor and designated "state superintendent of immigration." He shall receive a salary of $1,800 a year, but "the two commissioners shall draw pay only for their actual expenses in attending meetings of the board." The board shall maintain an office for the public business and for the exhibition of specimens of state products.

The commissioners shall qualify within twenty days after appointment, and each shall give bond for $5,000 "conditioned for the faithful discharge of their duties." It shall be the duty of the commissioners to use all available means to properly represent the advantages afforded by Missouri to persons desiring to secure homes in the West, and they may employ any necessary agents for the purpose. The board may advertise in the papers of the Eastern States or of Europe.

The board shall have power to make contracts with transportation companies for a low rate of fare for immigrants, and to prepare for their reception and temporary accommodation.

It shall be the duty of the board to compile statistics and publish literature describing the resources and interests of the State with any other information of interest to immigrants. It shall be the duty of the board to secure from the State's schools and through clerks of the county courts any information the publicity of which will exercise a favorable influence in the State's interest, and also to "solicit subscriptions of money and other material aid from persons and corporations, to be used in promoting immigration." Biennial reports shall be made to the governor. Auxiliary boards of immigration may be organized in the several counties.

Laws of 1901 (an act to prohibit the importation of afflicted, indigent, and vicious children).—The laws of 1901, page 132, "prohibit the importation into the State by any association or individual of afflicted, indigent, or vicious children." The state board of charities and corrections shall require that no child shall be brought into the State and placed in a "family home for adoption" without a guaranty that such child has no incurable disease and is not of feeble mind or vicious character. If any child so imported shall become a public charge within five years, it must be removed from the State. And any person receiving and placing, for an association or for an individual, any child coming under this prohibition shall be subject to fine and imprisonment." The necessity of this act arises from "the fact that the New York Children's Aid Society is pouring carloads of children into the State without properly supervising them, thereby burdening the Commonwealth.

The present law (prior acts repealed).—In 1909 prior existing immigration laws were repealed, and a general act, page 550, was passed, creating a board of immigration.

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The board of immigration shall be composed of three members, known as immigration commissioners, who shall be appointed by the governor. They shall serve for a term of four years. Not more than two shall be named from the same political party. The governor shall designate the president of the board under the title of chief commissioner. The two remaining commissioners shall be named by the board as secretary and auditor, respectively.

The commissioners shall qualify within twenty days after confirmation by the senate, taking oath and giving bond of $5,000 to faithfully demean themselves in office and to discharge all duties with fidelity.

The chief commissioner shall receive a salary of $2,000 per annum. All commissioners shall receive compensation for their actual traveling, office, and incidental expenses while in the performance of their duties. Careful accounting is required.

It shall be the duty of the board to procure suitable offices and exhibit rooms wherever judicious; to arrange proper exhibits of the State's resources; to contract for foreign and domestic advertising; to prepare literature for distribution; to conduct a publicity campaign throughout the world; to organize county auxiliary immigration boards; to compile vacant and salable land lists for inquiries; to aid all legitimate industrial and development projects; to increase in every possible way the amount of land available for settlement; and to take all reasonable measures for increasing our desirable population and for a greater development of the State.

The board shall solicit subscriptions of money and other material aid from persons and corporations, to be used in promoting its work.

It shall be the duty of the faculties of the state colleges to provide the board with information relative to any courses of study pursued or any work conducted tending to show the agricultural, mineral, manufacturing, and educational advantages of the State. The board may call upon county officials for such statistical, historical, or other information as may be deemed desirable.

It shall be the duty of the board to make biennial reports to the governor for submission to the legislature. And it shall also account for all money received and expended and all results obtained, with suggestions for legislative action.

For the purpose of carrying out the provisions of this act the sum of $25,000 as appropriated.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1865.

[General Statutes of Missouri, 1865, title 23, ch. 61, p. 324.]

SECTION 1. There shall be a board of immigration, which shall be composed of five members, three of which are to be appointed by the governor.

SEC. 2. The governor and secretary of state shall be, ex officio, members of this board, and it shall be its duty to do all and everything which may and will enhance and encourage immigration to this State, either from the Eastern States of the United States or from the Eastern Hemisphere.

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SEC. 3. The members of this board shall, if they deem it advisable and proper for the encouragement of immigration, to publish or cause to be published, pamphlets, essays, and articles treating on and describing in a true light the developed and undeveloped agricultural and mineral resources of the State of Missouri, our facilities for navigation, railroad connections, and our widespread commerce, and to distribute them in such localities wherever, in their opinion, they may be useful, beneficial, and of good for the promotion of immigration to our State.

SEC. 4. They also shall have power, whenever deemed expedient by them, to appoint an agent or agents, either for the Eastern States of the United States or for Europe, for the purpose of aiding and advising immigration; and such agent or agents shall act solely under the instruction of the board of immigration, who shall also fix and allow their compensation for their services, to be paid out of the fund created as hereinafter provided.

SEC. 5. It shall be the duty of the board of immigration to meet in the city of St. Louis, on the last Monday in the months of March, June, and September, and on the first Monday in December, for consultation, and to transact such business as properly may come before the same; but nothing in this chapter shall be so construed as to prevent a meeting of the board at any other time or the regular meeting of the board at any other place, whenever a majority thereof shall deem it advisable for the dispatch of business and the interest of immigration; such calls, however, shall always be made by the president of the board, and countersigned by the secretary thereof.

SEC. 6. The governor of the State shall be the presiding officer of the board, and the officers now appointed and serving shall hold their offices until the last Monday in March, 1867, at which time the board shall elect, by ballot, out of their own number, a recording and corresponding secretary, a vice-president and a treasurer, who shall hold their offices for two years, and until their successors are duly elected and qualified.

SEC. 7. The treasurer of the board shall give bond in the sum of ten thousand dollars, which bond shall be approved by the president and secretary thereof, and deposited with the secretary of state.

SEC. 8. The sum of two thousand dollars, annually, is hereby appropriated out of any money in the treasury of the State not otherwise appropriated, for the use of the board of immigration, to be expended by them as they think best and expedient for the interest of immigration to the State of Missouri, which shall be in full of all other appropriations.

SEC. 9. The board of immigration is furthermore authorized and shall have power to open books and invite and solicit contributions and endowments of money from corporations, manufacturers, merchants, and all persons who are immediately and directly benefitted by the flow of immigration, which money so contributed shall also be under control of and expended by the board for the intents and purposes in the preceding section stated.

SEC. 10. The fund so created shall be called "immigration fund," and all money accruing under the preceding section shall be deposited in a bank to be designated by the board, subject to the order

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of the same. The drafts to be signed by the president and countersigned by the treasurer.

SEC. 11. In case of a vacancy in the board occurring by death, removal, resignation, or otherwise, such vacancy shall be filled by the governor, by and with the advice and consent of the board.

SEC. 12. It shall be the duty of said board to cooperate with the bureau of immigration at Washington City, and to make regular reports of their labors and proceedings to the general assembly of the State, accompanied by such references, suggestions, and statistics as may furnish good and reliable data and a proper basis for future legislation on the subject of immigration.

EXTRACTS FROM REVISED STATUTES OF MISSOURI, 1899.

[Revised Statutes of Missouri, 1899, vol. 2, p. 1332.]

SEC. 5707. *Duties of commissioners.*—The duties of the board of police hereby created shall be as follows: They shall at all times of the day or night, within the boundaries of any city of the second class, as well on water as on land, preserve the public peace, prevent crime and arrest offenders, protect the rights of persons or property, guard the public health, preserve order at every public election and at all the public meetings and places, and on all public occasions, prevent and remove nuisances on all streets, alleys, highways, waters, and other places, provide a proper police force at every fire for the protection of firemen and property, protect immigrants and travelers at steamboat landings and railway stations; see that all laws relating to elections and to the observance of Sunday, and relating to pawnbrokers, intemperance, lotteries, and lottery policies, vagrants, and disorderly persons, are enforced; and suppress gambling and bawdy houses and every other manner and kind of disorder and offense against law and the public health. They shall also enforce all laws and ordinances passed, or which may hereafter be passed, by the common council of such city, not inconsistent with the provisions of this article or any other law of the State which may be properly enforceable by a police force. In case they shall have reason to believe that any person within said city intends to commit any breach of the peace or violation of law or order beyond the city limits, or any person charged with the commission of crime in such city, and against whom criminal process shall have been issued, such person may be arrested upon the same in any part of this State by the police force created or authorized by section 5708: *Provided, however*, That before the person so arrested shall be removed from the county in which said arrest is made, he shall be taken before some judge or justice of the peace of that county, to whom the papers authorizing such arrest shall be submitted; and the person so arrested shall not be removed from said county, but shall forthwith be discharged, unless such judge or justice of the peace shall approve and indorse said papers. The said police commissioners, or either of them, shall have power to administer oaths or affirmations on the premises to any person appearing or called before them. They shall also have the power to summon and compel the attendance of witnesses before them whenever it may be necessary for the more effectual discharge of their duties. (R. S. 1889, sec. 1450.)

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ACT OF 1901.

[Laws of Missouri, 1901, S. B. 160, p. 132.]

AN ACT To prohibit the importation into this State by corporations or individuals of afflicted, idigent, and vicious children, with an emergency clause.

Be it enacted by the general assembly of the State of Missouri, as follows:

SECTION 1. No association incorporated under the laws of any other State than the State of Missouri shall place any child in any family home within the boundaries of the State of Missouri, either with or without indenture, or for adoption, unless the said association shall have furnished the state board of charities and corrections with such guarantee as they may require that no child shall be brought into the State of Missouri by such society or its agents having any contagious or incurable disease or being of feeble mind or of vicious character, and that said association will promptly receive and remove from the State any child brought into the State of Missouri by its agents which shall become a public charge within the period of five years after being brought into this State.

SEC. 2. Any person who shall receive to be placed in a home or shall place in a home any child in behalf of any association incorporated in any other State than the State of Missouri, which shall not have complied with the requirements of the preceding section, shall, upon conviction, be punished by imprisonment in jail not more than thirty days, or by fine of not less than five or more than one hundred dollars, or by both such fine and imprisonment.

SEC. 3. The necessity for this act going into effect at once on account of the fact that the New York Children's Aid Society is pouring carloads of children into the State without properly supervising them, thereby burdening our commonwealth, creates an emergency within the meaning of the constitution; therefore, this act shall take effect and be enforced from and after its passage.

Approved, March 13, 1901.

EXTRACTS FROM MISSOURI ANNOTATED STATUTES, 1906.

[Missouri Annotated Statutes, 1906, vol. 3, ch. 68,* p. 2580.]

SEC. 4762. *Aliens may hold and alienate real estate.*—Aliens shall be capable of acquiring, by devise or descent, real estate in this State, and of holding, devising, or alienating the same, and shall incur the like duties and liabilities in relation thereto as if they were citizens of the United States and residents of this State. (R. S. 1889, sec. 342, amended.)

Historical.—As to rights under early statutes of widows of alien residents who died in the State, see Stokes *v.* O'Fallon (2 Mo., 32).

Under the statutes of 1835 and 1845 nonresident aliens could not acquire title to real estate by descent or purchase, but might take personalty (Harney *v.* Donohoe, 97 Mo., 141; 10 S. W., 191). And this was the rule prior to the act of 1872 (Wacker *v.* Wacker, 26 Mo., 426; see also Sullivan *v.* Burnett, 105 U. S., 334; 26 L. Ed., 1124).

* Revised bill.

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Right of alien who had declared his intention of becoming a citizen to hold and dispose of land under statutes of 1825 (see State *v.* Killian, 51 Mo., 80).

Gen. St. 1866, ch. 110, secs. 2, 4, cited and applied. (De Franca *v.* Howard (C. C.), 21 Fed., 774.)

Under act 1872 (which was identical with the present statute) an alien might take real estate by descent from an alien (Burke *v.* Adams, 80 Mo., 504, 50 Am. Rep., 510).

Where plaintiff's father, a resident alien, entered the land in suit, and died, leaving children, residents of the State, and also plaintiff, a nonresident child, at a time when only resident aliens could inherit land, and the resident children died intestate without issue, the last one dying after the passage of the act of 1872, plaintiff took the land by descent. (Utassy *v.* Giedinghagen, 132 Mo., 53; 33 S. W., 444.)

SEC. 4763. *Female married to alien may convey real estate, when.*—Any female born in the United States owning real estate or any interest therein in this State, who shall marry an alien and reside in a foreign country, may at any time, notwithstanding such marriage or residence, convey such real estate, or any interest therein, by deed, or may at any time devise the same by last will: *Provided*, The same be done in either case in conformity with the general laws of this State concerning the conveyance of real estate by deed and the making of wills. (R. S. 1889, sec. 343.)

SEC. 4764. *Unlawful for persons or corporations to hold or own real estate, when.*—It shall be unlawful for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become citizens, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to hereafter acquire, hold, or own real estate so hereafter acquired, or any interest therein, in this State, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts: *Provided*, That the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries; which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force and no longer. (Laws 1895, p. 207.)

Validity of contract for exchange of land.—Under this section an alien's contract for the exchange of land is not absolutely void so as to entitle him to rescind it, but title may be perfected by his naturalization. Pembroke *v.* Huston, 180 Mo., 627; 79 S. W., 470.)

SEC. 4765. *Corporation or association not to acquire or hold real estate except in certain instances, etc.*—No corporation or association more than twenty per centum of the stock of which is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall hereafter acquire or hold or own any real estate hereafter acquired in this State: *Provided*, That nothing contained in this chapter shall be construed to forbid any person or corporation from acquiring an interest in any real estate in this State as cestui que trust or mortgagee in any deed of trust or mortgage taken in good faith to secure the repayment of any money lent upon such real estate and interest thereon, nor as assignee of such cestui que trust or mortgagee, nor to forbid the person or corporation lending such money or becoming such assignee from purchasing such real estate at its sale

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upon foreclosure of said deed of trust or mortgage, when the amount for which such property is sold at said sale does not exceed the amount due under said deed of trust or mortgage at the time of such sale and the costs of such foreclosure: *Provided, however*, That all right, title, or interest acquired by such person or corporation at such sale or foreclosure shall be forfeited to the State of Missouri unless such person or corporation shall in good faith sell all of such right, title, and interest to a citizen of the United States within six years after the person or corporation so purchasing at such sale or foreclosure shall have held the possession of such real estate according to the interest purchased or acquired by him or it at such sale or foreclosure. (Laws 1895, p. 207, amended Laws 1897, p. 144, amended.)

SEC. 4766. *Property to be forfeited to State for violation of this chapter; duty of attorney-general, prosecuting, and circuit attorneys.*—All property acquired, held, or owned in violation of the provisions of this chapter shall be forfeited to the State of Missouri, and it shall be the duty of the attorney-general or circuit or prosecuting attorney of the proper city or county to enforce every such forfeiture by bill in equity or other proper process. And in any suit or proceeding that may be commenced to enforce the provisions of this chapter it shall be the duty of the court to determine the very right of the matter, without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights, either of the State or of the parties concerned, in any such proceeding arising out of the matters in this chapter mentioned. (Laws 1895, p. 207.)

Right to acquire real estate.—This section is an express recognition that real property may be acquired by an alien, subject to the right of the State to compel a forfeiture. (Pembroke *v.* Huston, 180 Mo., 627, 79 S. W., 470.)

[Missouri Annotated Statutes, 1906, vol. 3, ch. 113, p. 3632.]

SEC. 7536. *Board established.*—There is hereby established, within and for the State of Missouri, a board of immigration. (R. S. 1889, sec. 5446.)

SEC. 7537. *Appointment of commissioners.*—Such board of immigration shall be composed of three members, to be known as "commissioners of immigration," who shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold their office for the term of four years from the 1st day of January, A. D. 1879, and until their successors shall have been appointed and qualified: *Provided*, That if any vacancy shall occur on said board of immigration, by the death, resignation, or removal of any of said commissioners of immigration, when the senate is not in session, the governor may fill such vacancy or vacancies by appointment, and such appointee or appointees shall hold office for the balance of the term, unless the senate, at its next session, shall refuse to confirm such appointment or appointments. (R. S. 1889, sec. 5447.)

SEC. 7538. *President of board; office.*—One of the commissioners shall be president of the board under the title of "state superintendent of immigration," and shall be so designated in his appointment, and the two commissioners shall only draw pay for their actual expenses in attending the meetings of the board. Said board of com-

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missioners shall procure and keep open during business hours, in such place as the board of commissioners may select, a good and sufficient office for the use of said board and for the safe-keeping and exhibition of such specimens of the agricultural, horticultural, mineral, and other material resources of the State as may be found necessary. (R. S. 1889, sec. 5448.)

SEC. 7539. *Meeting of board; oath, etc.*—The commissioners of immigration shall meet at the state capital within twenty days after their confirmation as such, and shall take and subscribe an oath that they will faithfully demean themselves in office, and shall severally enter into and execute bonds to the State of Missouri in the sum of five thousand dollars each, with good and sufficient security, to be approved by the governor, conditioned for the faithful discharge of their duties as such commissioners of immigration. (R. S. 1889, sec. 5449.)

SEC. 7540. *Election of officers.*—After said commissioners of immigration shall have qualified, as in the preceding section mentioned, they shall proceed to organize, as soon as may be, by the election from their number of a president, secretary, and auditor. (R. S. 1889, sec. 5450.)

SEC. 7541. *Salary of superintendent, etc.*—The state superintendent of immigration shall receive in regular quarterly payment a salary of eighteen hundred dollars per annum from the date of his qualification, in full compensation for himself and deputy. All bills shall be filed with the auditor, and all accounts allowed shall be recorded by the secretary and shall be certified to the state auditor, signed by the auditor, and countersigned by the secretary of the board, and shall be paid by the warrant of the state auditor, drawn on the state treasurer in favor of the parties to whom such accounts shall be certified as due; and after the appropriation for any one year has been exhausted, there shall not be expended for that year any more money, nor shall any debts or obligations be incurred by the board. (R. S. 1889, sec. 5451.)

SEC. 7542. *Duty of commissioners.*—It shall be the duty of the commissioners of immigration to use such means as may be at their disposal to properly represent the advantages afforded by Missouri to persons desiring to secure homes in the West; and they may employ such agents for the like purpose as may be necessary. The board may contract for and may advertise in one or more papers or magazines published in Europe, and also in at least one agricultural paper or other journal published in the Eastern or Middle States of this country. (R. S., 1889, sec. 5452.)

SEC. 7543. *Contracts with railroads.*—The board of immigration shall have power to make contracts with railroads, steamboat lines, and other transportation companies, securing a low rate of fare to immigrants, and to make the necessary preparation for their reception and temporary accommodation. (R. S., 1889, sec. 5453.)

SEC. 7544. *Board to compile statistics.*—It shall be the duty of the board of immigration to collect and compile, from all available sources, correct statistics and descriptions of the material resources and social condition of the State. The board may, from time to time, prepare and publish pamphlets, with maps of the State, essays,

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and articles correctly describing the developed and undeveloped agricultural and mineral resources and manufacturing interests of the State, and such other local information as may be of interest to immigrants. (R. S., 1889, sec. 5454.)

SEC. 7545. *Information to be furnished.*—It shall be the duty of the several faculties of the normal schools, school of mines, and agricultural college to preserve and forward to the office of the board of immigration such information relating to the several subjects taught in or promoted by said institutions as will show the agricultural, mineral, manufacturing, and educational advantages of the State. And said board of immigration is hereby authorized to call upon the clerks of the county courts, or other county officers of the several counties of this State, for such statistical, historical, or other information as said board may deem desirable. (R. S., 1889, sec. 5455.)

SEC. 7546. *Subscriptions to be solicited.*—The board of immigration shall open books and solicit subscriptions of money and other material aid from persons and corporations, to be used by the board in promoting immigration to this State: *Provided*, That such subscriptions shall be expended and used before drawing on the amount appropriated by the general assembly for the use of said board. (R. S., 1889, sec. 5456.)

SEC. 7547. *Reports.*—It shall be the duty of the board of immigration to make biennial reports to the governor, to be by him laid before the general assembly at each session. Said report shall give an itemized statement of all moneys received by the board, and from what source received, and to whom and for what purposes paid; the results attained or expected to be attained; the statistics of immigration and other kindred information, together with such suggestions as the board may think proper to make. (R. S., 1889, sec. 5457.)

SEC. 7548. *Auxiliary boards.*—The board of immigration is empowered to authorize the organization of auxiliary boards of immigration in such counties in this State as may desire the same, under such rules and regulations as the board may prescribe. (R. S., 1889, sec. 5458.)

SEC. 7549. *Appropriations.*—The general assembly at each session shall appropriate not less than ten thousand dollars per year for the ensuing two years, for the use of the board of immigration in carrying out the provisions of this chapter; said fund to be known and designated as the immigration fund; and the auditor of the State shall draw his warrant on said fund upon the requisition of said board of immigration. (R. S., 1889, sec. 5459.)

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MONTANA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1893 (an act to establish a bureau of agriculture, labor, and industry and provide for the appointment of a commissioner thereof and define his duties).—The act of 1893 creates a bureau of agriculture, labor, and industry under the supervision of a commissioner, who shall be appointed by the governor. The term of office shall be four years, but he may be removed "for incompetence, malfeasance, or neglect of office."

The commissioner shall collect and present in an annual report to the governor statistical data relating to all departments of labor—"agricultural, commercial, mining, manufacturing, educational, and social interests and sanitary condition of the laboring classes and to the prosperity of all productive industries of the State." He shall correspond with bureaus of emigration and other mediums for distributing information in the interest of the State. He shall furnish facts relative to climate, productive resources, public lands, cost of labor and living, railroad rates, access to markets, and prices of products. He shall arrange reasonable rates of transportation conducive to the interests of the State and the immigrant. He shall secure publicity in public journals in centers of population and endeavor to induce desirable immigration. Other duties shall devolve upon the commissioner which are only incidental to questions of immigration.

Joint resolution of 1893 (joint resolution relating to the immigration of paupers, criminals, and dependent persons).—The legislature of Montana recommends that Congress and the legislative assemblies of the several States enact laws establishing a uniform policy of immigration from foreign nations and from State to State of persons who are dependent upon charity and are of idle or vicious habits.

Act of 1893 (substitute for senate bill No. 11, relative to commissioner of agriculture, labor, and industry).—The provisions of this act are practically parallel with the provisions of a prior act of 1893, which has been reviewed.

Act of 1909 (an act to increase the duties of the commissioner of the bureau of agriculture, labor, and industry, and for other purposes).—The commissioner of agriculture, labor, and industry shall prepare reports "upon the agricultural, commercial, mining, manufacturing, labor, or other industrial resources of the State or upon the educational or social interests or sanitary conditions of the people of the State." The reports shall bear the official certificate of the State and shall be sent to such parts of the United States as will secure the greatest benefit. The commissioner shall enlist the aid of all available mediums, such as immigration bureaus, fairs, expositions, and the public press, for disseminating data in "regard to climate, productive, commercial, industrial, and labor resources of Montana." He shall report annually to the governor. He may appoint a

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chief clerk and an assistant clerk. Five thousand dollars a year is appropriated for expenses. County commissioners may make appropriations for advertising the resources of their county upon receiving a petition signed by at least 50 per cent of the freehold taxpayers; amount of such appropriation shall be graduated in proportion to rank of the county. County commissioners may appoint a compiler of data and statistics to prepare and publish literature. Organizations for promoting the general welfare may furnish advertising matter for distribution by the state bureau. The bureau shall not aid the importation of alien labor to work during industrial disputes between employer and employee or permit the importation of contract labor at any time.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1893.

[Montana State Laws, 1893, p. 164.]

AN ACT To establish a bureau of agriculture, labor, and industry and provide for the appointment of a commissioner thereof and define his duties.

Be it enacted by the legislative assembly of the State of Montana:

SECTION 1. That a bureau of agriculture, labor, and industry is hereby created and established in and for this State, whose executive officer shall be a commissioner appointed by the governor; a chief clerk who shall be appointed by the commissioner. Said commissioner shall be appointed on or before the 1st day of May, A. D. 1893, and his term of office shall be for four years; he may be removed by the governor for incompetence, malfeasance, or neglect of office. Said commissioner shall execute a bond in the penal sum of five thousand dollars, to be approved by the governor and filed with the state auditor for the faithful performance of his duties.

SEC. 2. The commissioner shall collect, assort and arrange, systematize and present in an annual report to the governor, on or before the 1st day in December in each year, statistical details relating to all departments of labor in the State of Montana, especially in relation to the agricultural, commercial, mining, manufacturing, educational and social interests, and sanitary condition of the laboring classes and to the prosperity of all the productive industries of the State. He shall open correspondence with bureaus of emigration, boards of trade, and other organizations in the United States who are willing to assist in desseminating information in regard to the climate and productive resources of Montana and its desirableness as a home for the worthy emigrant. He shall furnish facts relating to the public lands and methods and costs of securing them, costs of labor and living, railroad rates, access to markets, prices of products; he shall arrange for such reasonable rates for transportation from railroads, steamships, and other lines of transfer as will be most conducive to the best interests of the State and the emigrant. He shall correspond with emigrant gazetteers and other literary and news journals. He shall advertise rates of transportation to Montana in one or more journals published in New York, Chicago, and one in San Francisco.

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SEC. 4. The commissioner of said bureau shall receive an annual salary of three thousand dollars, and the chief clerk an annual salary of fifteen hundred dollars.

* * * * * * *

SEC. 6. The commissioner may employ such assistants and incur such expense as may be necessary in the discharge of the official duties of said bureau, provided such expense, including pay of commissioner, chief clerk, and assistants, shall not exceed six thousand dollars in each year. Such assistants shall be paid for their services such compensation as the commissioner may deem just; but no such assistant shall be paid more than four dollars per day in addition to his necessary traveling expenses.

SEC. 7. A census of the inhabitants of the State shall be taken on the 1st day of May, A. D. 1895, and every ten years thereafter under the direction of the commissioner of the bureau of agriculture, labor, and industry, and shall contain a special enumeration of the number of voters residing in each ward of the several cities, each town, and each county.

SEC. 8. In taking census the following particulars shall be ascertained and enumerated in the separate columns of the schedule, to wit:

First. Dwelling houses numbered in the order of visitation.

Second. Families numbered in the order of visitation.

Third. Name of each person in the family or dwelling.

Fourth. Age of each person, one year old and upward.

Fifth. Sex of each person.

Sixth. Color of each person, whether white, black, mulatto, Mongolian, or Indian.

Seventh. Place of birth, naming State, Territory, or country.

Eighth. Condition, whether single, married, or widowed.

Ninth. Profession, trade, or occupation of every person over fifteen years of age.

Tenth. Persons over twenty years of age who can not read or write.

Eleventh. Whether deaf and dumb, blind, insane, idiotic, pauper, or convict.

Twelfth. Ratable polls.

Thirteenth. Legal voters.

Fourteenth. Naturalized voters.

The census shall be taken by such of the deputies of the several counties as said commissioner shall appoint, or assistants appointed by said commissioner under the provisions of the following section.

* * * * * * *

SEC. 20. This act shall take effect from and after its passage.

Approved, February 17, 1893.

RESOLUTION OF 1893.

[Montana State Laws, 1893, p. 224.]

SENATE JOINT RESOLUTION No. 1.—Joint resolution relating to the immigration of paupers, criminals, and dependent persons.

Be it resolved by the senate of the State of Montana, the house of representatives concurring, That the senate and house of representatives of the State of Montana respectfully request the Congress of

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the United States and the legislative assemblies of the several States to enact laws establishing a uniform policy of immigration from foreign nations, and of immigration from State to State, of persons who are dependent upon charity and are of idle or vicious habits.

Resolved, That the secretary of the State of Montana be requested to transmit copies of the foregoing resolution to the presiding officers of the Congress of the United States, to each of the Senators and the Representatives from this State, and to the governors of the several States of the United States.

Approved, March 1, 1893.

ACT OF 1897.

[Montana State Laws, 1897, p. 110.]

AN ACT To repeal sections 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, and 777, being all of article 22, chapter 3, title 1, part 3, of the Political Code of Montana, and to substitute therefor sections 760, 761, 762, 763, 764, 765, and 766 relating to the establishment of a bureau of agriculture, labor, and industry, and specifying the powers, duties, and salary of the commissioner thereof.

Be it enacted by the legislative assembly of the State of Montana:

SECTION 1. Section 760 shall read as follows:

SEC. 760. A bureau of agriculture, labor, and industry is hereby established for this State whose executive officers shall be a commissioner appointed by the governor, and a chief clerk who shall be appointed by the commissioner. The term of office of the commissioner shall be for four years, and he may be removed by the governor for incompetence, neglect, or malfeasance in office. The commissioner shall execute a bond in the penal sum of five thousand dollars, to be approved by the governor, and to be filed with the state auditor for the faithful performance of his duties.

SEC. 2. Section 761 shall read as follows:[a]

SEC. 761. The commissioner shall collect, assort, and arrange, systematize, and present in an annual report to the governor on or before the 1st day of December in each year, statistical details relating to all departments of labor and industry in the State of Montana, especially in relation to the agricultural, commercial, mining, manufacturing, educational, and social interests and sanitary condition of the laboring classes and to the prosperity of all the productive industries of the State.

* * * * * * *

SEC. 4. Section 763 shall read as follows:[b]

SEC. 763. The commissioner of said bureau shall receive an annual salary of twenty-five hundred dollars and the chief clerk an annual salary of fifteen hundred dollars.

* * * * * * *

SEC. 6. Section 765 shall read as follows:[c]

SEC. 765. The commissioner may incur such expenses as is necessary in the discharge of the official duties of said bureau, provided that such expense, including pay of commissioner and chief clerk, shall not exceed the amount appropriated therefor in each year.

* * * * * * *

Approved, March 4, 1897.

[a] See sec. 2, act of 1893, p. 732. [b] See sec. 4, Ibid., p. 733.
[c] See sec. 6, Ibid., p. 733.

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ACT OF 1909.

[Montana State Laws, 1909, ch. 70, p. 91.]

AN ACT To increase the duties of the commissioner of the bureau of agriculture, labor, and industry; to provide for the collection and compilation of statistics for the use of said bureau, by counties and by chambers of commerce, commercial bodies, farmers' institutes, cooperative societies of farmers, state federated trade unions, and other industrial associations of promotive character; to provide for the publication and publicity of such statistics; to provide for appropriations by counties and by the State to meet the expenses incurred in the furtherance of such purposes; and to provide for the appointment and salary of an assistant clerk for said bureau.

Be it enacted by the legislative assembly of the State of Montana:

SECTION 1. The commissioner of the bureau of agriculture, labor, and industry shall prepare reports from the data, cuts, and statistics on file in his office or submitted to him as hereinafter provided. Such reports shall furnish reliable information upon one or more of the following topics, to wit:

Upon the agricultural, commercial, mining, manufacturing, labor, or other industrial resources of the State, or upon the educational and social interests or sanitary conditions of the people of the State.

Such reports shall be published in such form and quantity as in the judgment of the commissioner may be deemed expedient and practicable. Reports so prepared by the commissioner, or prepared and delivered to him as hereinafter provided, shall be by him sent to such parts of the United States as in the opinion of the commissioner would secure the greatest benefit, considering the character of the information contained in the report. All reports sent out by the commissioner shall bear a certificate thereon to the effect that the same are issued by authority of the State of Montana. The commissioner shall open correspondence with bureaus of emigration, boards of trade, and other organizations in the United States who are willing to assist in disseminating information in regard to the climate, productive, commercial, industrial, and labor resources of Montana. He shall also provide for a liberal distribution of such reports at state and county fairs throughout the United States, and at all expositions of a national character. To secure the distribution by the bureau of local advertising matter in the manner hereinafter provided, the manuscripts of all reports, pamphlets, and statistics so compiled must be submitted to the commissioner and approved by him.

SEC. 2. The commissioner shall annually, on the 30th day of November, submit a complete itemized account to the governor, showing all the business of the bureau for the year and all expenditures made during such period.

SEC. 3. The commissioner shall have authority to appoint in addition to the chief clerk now provided for by law an assistant clerk at a salary of eighteen hundred dollars per annum, to be paid in the same manner as other salaries are paid.

SEC. 4. There shall be appropriated for the purpose of paying the expenses incurred under this act the sum of five thousand dollars for the year 1909 and five thousand dollars for the year 1910.

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SEC. 5. The board of county commissioners of any county of the State, upon receiving a petition signed by at least fifty resident freehold taxpayers whose names appear on the last assessment books of the county, is authorized to make an appropriation, as hereinafter provided, from the general fund of the county. Said petition shall specifically state the class or classes of industries of said county that the petitioners desire to advertise, and the appropriation shall be limited to the purposes stated in the petition.

Said appropriations shall not exceed the following amounts, to wit:

In counties of the first class, fifteen hundred dollars; counties of the second class, thirteen hundred dollars; counties of the third class, one thousand dollars; and all counties below the third class, eight hundred dollars.

SEC. 6. The board of county commissioners of counties where appropriations have been made in accordance with section 5 of this act, may appoint some suitable person to gather data and statistics and compile and have printed pamphlets or folders of the size and character provided for in section 1 of this act. When so prepared, said pamphlets or folders may be sent to the commissioner of agriculture, labor, and industry for the purpose of distribution by him in the manner provided for in section 1 of this act, and it shall be his duty to so distribute the same, provided he gives his approval thereof, as required by section 1 of this act.

SEC. 7. Chambers of commerce, commercial clubs, farmers' institutes, cooperative societies of farmers, state federated trade unions, and other industrial associations of promotive character are hereby authorized to furnish to the commissioner of the bureau of agriculture, labor, and industry pamphlets or folders of the size and character mentioned in section 1 of this act, for the purpose of distribution by him in the manner provided for in section 1 of this act, and it shall be his duty to so distribute the same: *Provided*, He gives his approval thereof, as required by section 1 of this act: *And provided further*, That the commissioner of said bureau may require the society or association to furnish the funds necessary to pay postage or express charges for distributing the same.

SEC. 8. Counties and the societies provided for in section 7 of this act in sending matter to the said bureau for distribution may designate any specific locality, city, or society to which they desire the same sent, otherwise the same shall be distributed by the commissioner in the manner provided for in section 1 of this act.

SEC. 9. The bureau of agriculture, labor, and industry shall not be used by any country, society, association, person, or corporation to aid or further the importation of alien labor or laborers of any kind to work during industrial disputes between employer and employee, and nothing in this act shall be construed to permit, encourage, or allow the importation of any laborers or employees under contract at any time.

SEC. 10. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 11. This act shall be in full force and effect from and after its passage and approval.

Approved, March 4, 1909.

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NEBRASKA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1864 (an act to incorporate the Nebraska Immigrant Association).—The Nebraska Immigrant Association was incorporated to exploit the advantages, resources, and climate of Nebraska and to assist in the State's development.

Act of 1870 (an act to provide for a board of immigration, to define their duties and powers, and for other purposes).—The act of 1870 created a board of immigration commissioners, consisting of five members. A state superintendent of immigration shall be selected by the board. Four agents shall be appointed to assist in the proposed work, promoting all matters connected with the immigration interests of the State. The general objects of the board are to settle the lands and develop the resources of the State.

Act of 1871.—An act supplementary to the act of 1870 was passed in 1871 to provide minor changes in the methods of administering the affairs of the board of immigration.

Act of 1873 (an act to reconstruct the state board of immigration and to provide for a bureau of immigration).—A bureau of immigration is created by the act of 1873 under supervision of three commissioners of immigration elected biennially by the legislature. One of the commissioners shall become superintendent of immigration and shall act as practical director of the affairs of the bureau. He shall be assisted by a secretary. The board shall publish and distribute literature and utilize all other practicable measures to facilitate the ingress of desirable immigrants.

ACT OF 1864.

[Laws of the Legislative Assembly of the Territory of Nebraska, 1864, p. 232.]

AN ACT To incorporate the Nebraska Immigrant Association.

Be it enacted by the council and house of representatives of the Territory of Nebraska:

SECTION 1. That Alvin Saunders, Dwight J. McCann, Cornelius O'Connor, John C. Denser, Theodore Hill, Lewis Allgewahr, John P. Becker, S. Bowen, Henry Grebe, Frederick Hedde, P. W. Hitchcock, Francis A. Hoffman, T. M. Marquette, A. S. Paddock, H. Rohwer, Frederick Rennur, and Augustus Roeder, their associates and successors, be, and they are hereby, constituted and created a body corporate and politic, under the name and style of Nebraska Immigration Association, and by that name and style to remain in perpetual succession, with full power of making contracts, of suing and being sued, of pleading and being impleaded, of having a common seal, and of making such rules and regulations for its government

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as it may deem proper, not inconsistent with the Constitution and by-laws of the United States and the Territory [State] of Nebraska.

SEC. 2. The objects contemplated by this act of incorporation are to make the advantages, resources, and climate of this Territory [State] known abroad, to induce immigration from Europe and Eastern States to our fertile plains, and to assist in the developments of the riches secreted in the bowels of the earth throughout this Territory.

SEC. 3. The said association shall have power to organize and establish county and city associations, upon application from five of its members in good standing, said associations being subordinate and auxiliary to the parent association created by this act, but that said county and city associations shall be entitled to the rights of making their own by-laws and choosing their own officers and in every way controlling and regulating their own government: *Provided*, Such by-laws and regulations do not conflict with those of the parent association or the laws of this Territory now in force or hereafter to be passed.

SEC. 4. The above-named individuals shall constitute the board of trustees until a new election takes place, and they shall have power to adopt such constitution and by-laws as may be necessary to carry out the object of this enactment not inconsistent with the laws of this Territory now in existence or hereafter to be passed.

SEC. 5. All further action for the working of the association is left to be provided for by the constitution and by-laws, and no election for officers can take place until such constitution and by-laws have been adopted.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved, February 15, 1864.

ACTS OF 1871.

I.

[Nebraska State Laws, acts Mar. 4, 1870; June 6, 1871.]

AN ACT To provide for a board of immigration, to define their duties and powers, and for other purposes.

Be it enacted by the legislature of the State of Nebraska:

SECTION 1. That there shall be established in this State a board of commissioners to be known as the commissioners of immigration for the State of Nebraska.

SEC. 2. Said board shall consist of five members, citizens and freeholders in this State, who shall be chosen by the legislature in joint convention for the term of two years and until their successors are elected and qualified; vacancies occurring during a recess of the legislature shall be filled by the remaining members of the board, and the members thus appointed shall hold their offices until their successors are elected and qualified; the removal of any members of the board from this State for a period of three months or longer shall vacate his position on the board.

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SEC. 3. Said commissioners shall give bonds each in the sum of three thousand dollars; such bonds to be approved by state treasurer, and placed in file in the office of the state auditor.

SEC. 4. Said commissioners shall meet at the state capitol on the second Monday in March succeeding their election to organize by the election of one of their members as president and one member as secretary; the commissioners of immigration shall adopt a seal and fix upon the place where they shall establish their office; the regular meetings of the board shall be quarterly, but the president or a majority of the board may call a special meeting by giving ten days' notice to each member whenever in his or their discretion a special meeting of the board shall be necessary; in case of the death, resignation, or removal of the president or secretary of the board, the remaining members shall, after filling the vacancy in the board, elect a president or secretary, as the case may be, at a special meeting called for that purpose.

SEC. 5. The legislature shall, in addition to the five members of the board of immigration, elect a state superintendent of immigration, who shall, at the time of his election, be a citizen of this State, and shall at that time be the bona fide owner of real estate in this State, valued at not less than twenty-five hundred dollars; said superintendent shall hold his office for two years, and until his successor is duly elected and qualified: *Provided, however*, That upon charges of incapacity or malfeasance in office, preferred by the board of immigration, against said superintendent before the governor, secretary of state, and treasurer, the said superintendent may be removed from office by a majority vote of said state officers, and his place filled by a majority of the board of immigration, who are authorized to fill any vacancy occuring by the death or resignation of the state superintendent of immigration. Said superintendent of immigration shall, before entering upon the duties of his office, give bonds in the sum of five thousand dollars for the faithful performance of his duties, which bond shall be approved by the board of immigration and placed on file in the office of the state auditor.

SEC. 6. The state superintendent of immigration shall be the custodian of all the documents, papers, books, and records of the board of immigration, and shall, under the direction of said board, publish handbills and other documents, and do and perform any other duties connected with the immigration interests of the State, as the commissioners of immigration may from time to time prescribe.

SEC. 7. For the purpose of inducing immigration to this State the commissioners of immigration shall have authority to appoint four agents of immigration, who shall at the time of their appointment be citizens of this State and shall be the bona fide owners of real estate in this State valued at not less than fifteen hundred dollars each, and who shall give bonds in the sum of one thousand dollars each for the faithful performance of their duties; such bonds to be approved by the board of immigration, and shall be filed with the state superintendent of immigration; such agents shall, under direction of the board of immigration, be assigned to such places, either in this country or in foreign countries, as such board shall determine and be employed in the service of this State.

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SEC. 8. The commisioners of immigration shall receive the same compensation for each day employed in the service of the State and for mileage in going to and from their regular and special sessions and meetings as is now paid to members of the legislature; the superintendent of immigration shall receive at the rate of fifteen hundred dollars per annum for the time actually employed in the service of the State. Each of the four agents named in the preceding section shall receive such salary as shall be fixed by the commissioners of immigration, not to exceed one hundred and fifty dollars per month, and be allowed an additional sum of not exceeding fifty dollars per month for traveling and incidental expenses for each month actually employed; and each agent shall be removable by the board at their discretion, and his pay shall cease from and after such removal.

SEC. 9. For carrying out the provisions of this act fifteen thousand dollars are hereby appropriated from the general fund of this State, which amount shall be drawn from the treasury upon warrants signed by the auditor; such warrants shall show for what purpose they are drawn, and no warrants shall issue from the auditor for this purpose unless upon an order signed by the president and secretary of the commissioners of immigration, accompanied by vouchers for each amount thus expended.

SEC. 10. An act to encourage and facilitate foreign immigration to this State, approved March 4, 1870, and all acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 11. This act shall take effect on and after its passage.

Approved, March 1, 1871.

II.

[Nebraska State Laws, act Mar. 4, 1870; act Mar. 1, 1871, p. 92.]

AN ACT Supplementary to an act entitled, "An act to provide for a board of immigration, to define their duties and powers, and for other purposes, approved March 1, 1871.

Be it enacted by the legislature of the State of Nebraska:

SECTION 1. That the board of immigration shall have authority to employ any number of agents, not exceeding eight, and no agent shall be employed for more than six months in each year.

SEC. 2. No compensation shall be drawn by any member of the board for any services, except as provided for attending regular or special meetings of the board.

SEC. 3. The office of the superintendent shall be open to the public every day between the hours of nine a. m. and five p. m., and the superintendent of immigration or his deputy shall be present during office hours.

SEC. 4. The salary of the superintendent shall be in full for all services of himself and deputy, and no travelling expenses incurred by him shall be paid out of the funds provided for immigration purposes, nor shall any expenses be incurred by him, without first receiving authority from a majority of the board.

SEC. 5. The members of the board, the superintendent, and agents are hereby prohibited from receiving any pay, emoluments, or gift

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from any railroad, steamboat, or transportation company, for the transportation of immigrants, nor shall they be authorized to receive any commission, pay, or gift from immigrants for information or assistance in procuring homesteads or lands.

SEC. 6. The board of immigration shall cause to be published quarterly in all newspapers published in this State, willing to publish the same free of charge, a full report of their operations and expenditures, and shall report to the legislature at each session a full statement of their operations during their term of office.

SEC. 7. It shall be the duty of the board of immigration, upon proofs presented to them that the superintendent of immigration or any agent has violated the foregoing provisions, to cause his removal without delay. Any member of the board of immigration violating the provisions of this act shall, upon complaint being entered and sworn to before the governor of the State, be declared removed from the board of immigration, and the board requested to fill the vacancy.

SEC. 8. Under no circumstances shall the State be bound to pay a larger amount of money to any or all of the officers provided for than has been appropriated.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved, June 6, 1871.

ACT OF 1873.

[General Statutes of Nebraska, 1873, ch. 29, p. 406. Passed, and took effect Feb. 27, 1873.]

AN ACT To reconstruct the state board of immigration and to provide for a bureau of immigration.

Be it enacted by the legislature of the State of Nebraska:

SECTION 1. There is hereby established within and for the State of Nebraska a bureau of immigration.

SEC. 2. For this purpose there shall be elected biennially by the legislature in joint convention of the senate and house of representatives three commissioners of immigration, who together shall constitute a body-politic, under the name and style of the state board of immigration, who shall hold office for the term of two years and until their successors shall have been elected and qualified.

SEC. 3. One of the commissioners shall be president of the board and ex-officio the general manager of the bureau, under the title of state superintendent of immigration, and shall be so designated in his election; and the two commissioners shall only draw pay for actual traveling expenses.

SEC. 4. The commissioners shall meet at the state capitol on the second Monday of March next after their election, and shall qualify by subscribing to the proper oath of office and depositing with the treasurer of the State their official bonds, each in the sum of five thousand dollars, with such surety as the state treasurer shall approve, and they shall complete their organization by electing one of their number secretary and the other auditor of the board.

SEC. 5. The board shall meet regularly once in three months, viz, on the second Monday of March, June, September, and December, for

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the transaction of business, at such places as they may from time to time designate.

SEC. 6. The president of the board shall preside at all meetings of the board, and shall call special meetings, when so requested in writing by the other members, giving to each at least five days' notice. The secretary shall make a full record of all proceedings of the board.

SEC. 7. The state superintendent shall occupy by himself, deputy, or clerk, an immigration office in such city as the board may designate, and which shall be furnished for this purpose by such city free of rent, and the said office shall be the depository of the publications of the board, and of such specimens of agricultural products and manufactured articles of the several counties of the State, and such maps and views as shall illustrate the State; and said office shall be open during usual business hours to citizens and strangers.

SEC. 8. It shall be the duty of the superintendent to prepare in manuscript for publication such circulars, pamphlets, maps, posters, cards, etc., as shall give an impartial view of every part of the State, and shall submit all matter so prepared to the board for approval and publication, and the board shall deliver to the state printer so much of such matter as they shall approve for publication. The superintendent shall correspond with all agents of the board and such persons as desire information; shall facilitate the ingress of immigrants by obtaining, as may be in his power, low rates of tariff in transportation of passengers and freights, and he shall publish in some newspaper or newspapers that will so publish gratuitously a monthly statement, including the number and character and cost of all documents, if any published during the month, the number distributed, the number on hand, the number of letters received and answered, the reported labors of agents, the actual immigration, as nearly as ascertained, and he shall render to the legislature at each session thereof a general report of the affairs of the bureau.

SEC. 9. It shall be the duty of the board to appoint and commission one agent in each organized county of the State, who shall be a resident of the county during his term of office. It shall be the duty of such agent to report to the superintendent on the last Monday of May, August, November, and February of each year the number of letters received and answered, and such other information as the board may require. Each county agent shall be sufficiently supplied by the superintendent with the documents of the board and with twenty copies of some newspaper or newspapers published in his county or representative district. Each of such agents shall receive in quarterly payments fifty dollars per annum for all services and expenses, including postage and stationery.

SEC. 10. For the purposes of said bureau of immigration there is hereby appropriated from any funds belonging to the State, not otherwise appropriated, the sum of five thousand dollars, for the year ending on the second Monday of March, 1874, and the like sum of five thousand dollars for the year ending on the second Monday of March, 1875.

SEC. 11. The superintendent shall receive in regular quarterly payments a salary of twelve hundred dollars per annum, and the sum of eight hundred dollars in full for all incidental expenses of his office, including fuel, stationery, and postage. The secretary

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shall be paid in regular quarterly payments the sum of one hundred and fifty dollars per annum, and this shall be in full for all services and expenses as commissioner and secretary. The auditor shall be paid in like manner the sum of one hundred and fifty dollars per annum in full for all services and expenses as commissioner and auditor.

All the expenses of the bureau shall be audited and allowed by the board at their regular quarterly meetings. All bills shall be filed with the auditor and all accounts allowed shall be recorded by the secretary and shall be certified to the auditor of state under seal of the board, signed by the auditor, and countersigned by the secretary of the board, and shall be paid by the warrant of the state auditor drawn on the state treasurer in favor of the parties to whom such accounts shall be certified as due; and after the appropriation herein given is exhausted there shall not be expended by this board any more money, nor shall any other debts or obligations be incurred by the board.

SEC. 12. Any commissioner as such, or as state superintendent of immigration, or as secretary or auditor of the board, shall be liable to prosecution for misdemeanor in office, the same as any other state officer under the law, for such case made and provided, and upon conviction shall be removed from office as such commissioner, president, secretary, or auditor, and the remaining members of the board shall have power to fill the vacancy so occasioned, and if any vacancy shall occur in the board by reason of death, removal, resignation, or absence from the State for more than three months at any one time the remaining members of the board shall have power to fill such vacancy.

SEC. 13. An act entitled "An act to provide for a board of immigration, to define their duties and powers, and for other purposes," approved March 1, 1871; and also "An act supplemental to an act entitled 'An act to provide for a board of immigration, to define their duties and powers, and for other purposes,'" approved June 3, 1871; and all acts and parts of acts inconsistent with this act are hereby repealed, and the existing state superintendent of immigration, and the existing state board of immigration be, and they are hereby, required, at the termination of their term of office, viz, on the second Monday in March, 1873, to deliver to their proper successors, as above provided for, and to be elected and qualified under this act, the books, papers, printed documents, office furniture, and official seal, pertaining to them as such.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved, February 27, 1873.

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NEVADA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1887 (immigration bureau created).—A state immigration bureau is created, by the act of 1887, consisting of the state comptroller, surveyor-general, and superintendent of public instruction. It shall be the duty of the bureau to collect all obtainable information and statistics as to the character, climate, and resources of the State which, if disseminated abroad, will tend to the inducement of population and capital into Nevada from other States and Europe. It shall transmit such data to all efficient sources of immigration. It shall be the duty of assessors and other county officers to aid in collecting such information as may be available.

Joint resolution of 1903 (senate joint resolution and memorial to Congress relative to immigration and protection).—Whereas in all immigration legislation for forty years the manufacturers have reaped the benefit, to the detriment of the tradesman, artisan, and laboring man, who have been afforded no protection against the competition of the undesirable, criminal, and pauper classes of foreign countries; and

Whereas a million people are suffering for want of employment, it should be the policy of our Government to afford as complete protection to the mechanic, laborer, farmer, merchant, and miner as to the manufacturer: Therefore be it

Resolved, That Congress is memorialized to levy a tax of $100 per capita upon every immigrant entering this country, in order to restrict immigration and protect our people from foreign competition.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1887.

[Nevada State Laws, 1887, ch. 88, p. 90.]

AN ACT To provide for a State immigration bureau.

The people of the State of Nevada, represented in senate and assembly, do enact as follows:

SECTION 1. A state immigration bureau for this State is hereby created, to consist of the state controller, the surveyor-general, and superintendent of public instruction.

SEC. 2. As soon as practicable after the approval of this act, the state officers constituting said immigration bureau shall organize by selecting one of their number as the president and another as the secretary of said bureau, and shall procure and use an official seal,

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and keep a record of all their proceedings. They shall adopt and publish by-laws or rules not in conflict with the Constitution and laws of the United States, nor in conflict with the constitution and laws of this State, for their government in the transaction of their business as such bureau. They shall fix the times of their regular meetings, which shall be held quarter yearly, and shall hold called and special meetings whenever they shall deem it necessary so to do. Their meetings shall be held in the state capitol.

SEC. 3. It is hereby made, and shall be, the duty of said bureau to collect all obtainable information and statistics as to the climate and resources of this State, its agricultural lands, grazing lands, and timber lands; the amount of agricultural lands under cultivation; the amount not under cultivation; the amount thereof already sold or disposed of by the United States to individuals, to railroads, and to this State; the amount of grazing lands sold or disposed of by the United States to individuals, to railroads, and to this State; the amount of timber land in like manner sold or disposed of; at what particular localities different kinds of grain and other farm products and fruits of different kinds can be profitably cultivated and produced; the water courses, and where, of the State, giving facilities for utilization of same for irrigation and water power; the number of manufacturing establishments, including quartz, grist, and saw mills, in the State; the number of schools and their character in the State, and the facilities for education, and the amount of the public school fund of the State, how situated and invested; the number and length of railroads in the State and leading into and out of it; the number of mines being worked; the wages of labor, skilled and common; the cost of living, and generally any information which, if disseminated abroad, will tend to the inducement of population and capital into this State from the other States and Europe.

SEC. 4. Said bureau shall comply as early as practicable, and at all times, with the requirements of section 3 of this act, and, upon obtaining such information and statistics, shall send the same to such persons, organizations, societies, and bodies outside of the State as may request the same, or, in the opinion of said bureau, will use the same to the benefit of this State. Said bureau shall also inaugurate and maintain such correspondence with similar bureaus and other organizations and individuals abroad as may tend to carry out the objects of this act.

SEC. 5. All printing necessary to be done for said bureau in carrying out the provisions of this act shall be done by the state printer.

SEC. 6. Said bureau shall require of each county assessor in this State, from time to time, such information and statistics as will aid in carrying out the provisions of this act; and any county assessor who shall refuse, or willfully neglect to give such information and statistics when so requested, if in his power, shall be guilty of malfeasance in office, and shall be prosecuted and punished therefor as provided by law. Other county officers shall, so far as in their power, aid assessors in performing the duties herein imposed.

Approved, February 26, 1887.

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RESOLUTION OF 1903.

[Nevada State Laws, 1903, p. 229.]

No. IX.—Senate joint resolution and memorial to Congress, relative to immigration and protection.

Whereas the Congress of the United States has under consideration the subject of immigration with a view to further legislation; and

Whereas, in all such legislation during the past forty years, the manufacturers have reaped the benefit to the detriment of the tradesman, artisan, and laboring man who have been afforded no protection against the disastrous competition of the undesirable, criminal, and pauper classes of foreign countries arriving on our shores at the rate of half a million annually, assisted hither, in many instances, by government, organized society, or private aid, thus benefiting the country left by relieving the labor market, and injuring this by the number of unemployed, nearly everyone reaching this country during the past twenty years being a positive detriment to the people already here; and

Whereas a million of our people are suffering from want of employment, and the natural increase of our population will, for an indefinite future, fully supply every demand that any possible development of the country may make, it should be the policy of our Government to afford as full and complete protection to the mechanic, laborer, farmer, merchant, miner, employed and unemployed, as the manufacturer; therefore be it

Resolved by the senate of the State of Nevada, the assembly concurring, That the Congress of the United States be, and it is hereby, memorialized to incorporate in all immigration legislation such provisions as will prohibit forever from landing on our shores the undesirable element of the Old World by the levy of one hundred dollars per capita upon every immigrant to hereafter land, or such a tax as shall fully and effectually protect our people from foreign competition;

Resolved, That our Senators in Congress be instructed and our Representatives be requested to use all honorable means to secure such legislation;

Resolved, That the governor be, and he hereby is, requested to forward an engrossed copy of this memorial and resolution to each of our Senators and to our Representative in Congress.

Passed March 9, 1903.

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NEW JERSEY.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1852 (an act to prevent the importation of paupers into certain specified counties).—The act of 1852 provides that any person who shall bring into certain specified counties any person likely to become a public charge may be required by a justice of the peace to remove such person from the county or to give a sufficient bond to indemnify the county against any charge or expense that may be incurred by the maintenance or removal of such a person. Failure to comply with the order will subject the importer to a penalty of $100.

Act of 1907 (an act to regulate the importation of dependent children, and providing a penalty for a violation thereof).—The act of 1907 makes it unlawful to bring into New Jersey any dependent child for the purpose of placing it upon charity, without first obtaining the written consent of the commissioner of charities. Any person or association bringing a dependent child into the State shall be required to give an indemnity bond in the penal sum of $1,000 that the child is not incorrigible or of unsound mind or body; that if such child becomes a public charge before reaching the age of 21 it will be removed from the State; that if such a child shall be convicted of any offense and imprisoned within three years after arrival in the State it shall be removed from the State and the State indemnified for any expense incurred; and that any such child shall be properly placed and cared for.

The commissioner of charities shall supervise all matters enjoined by this act. Any person or association violating the provisions of this act shall be liable to a penalty of $100. But the act does not apply to a relative who brings a child from any other State for the purpose of providing a home for it.

Act of 1907 (an act providing for the establishment of evening schools for foreign-born residents of New Jersey).—The board of education of any school district may establish evening schools for the instruction of foreign-born residents over 14 years of age in the English language and in the form of government and the laws of this State and the United States. Funds may be raised for such purpose by appropriation, subscription, or special tax. Reports of progress of schools shall be made annually by instructors to the state superintendent of public instruction.

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IMMIGRATION AND ALIEN LAWS.

ACT OF 1852.

[New Jersey Laws, 1852, ch. 129, p. 277.]

AN ACT To prevent the importation of paupers and vagrants into the counties of Burlington, Passaic, Camden, Gloucester, and Mercer.

SECTION 1. *Be it enacted by the senate and general assembly of the State of New Jersey*, That if any person shall bring or import into any one of the counties of Burlington, Passaic, Camden, Gloucester, or Mercer, any person or persons not having gained a legal settlement in said county, and who is or are likely to become chargeable to the said county, such bringer or importer, on complaint of a chosen freeholder or overseer of the poor of any one of the townships of said county, to any two justices of the peace thereof, shall, by warrant, under their hands and seals, directed to any constable of the said county, be brought before them forthwith; and if, on due proof, it shall appear to the satisfaction of the said justices that the said complaint is true, the said justices shall order and direct such importer or bringer to remove the person or persons so brought in or imported from the said county, or to give bond, with approved security, to the board of chosen freeholders of the said county, in a sum not exceeding two hundred dollars, to indemnify the said county against the charges and expenses which the said county may incur by the maintenance or removal of the person or persons brought in or imported as aforesaid.

SEC. 2. *And be it enacted*, That on failure to comply with the said order or direction of the said justices, or to give bond as aforesaid, the said bringer or importer shall forfeit and pay for each person brought or imported as aforesaid the sum of one hundred dollars to be sued for and recovered, for the use of the said county in an action of debt, with cost of suit, by the board of chosen freeholders aforesaid before any justice of the peace of the said county.

SEC. 3. *And be it enacted*, That this act shall take effect immediately.

Approved, March 23, 1852.

ACTS OF 1907.

I.

[New Jersey State Laws, ch. 153, p. 390.]

AN ACT To regulate the importation of dependent children, and providing a penalty for violation thereof.

Be it enacted by the senate and general assembly of the State of New Jersey:

SECTION 1. It shall be unlawful for any person, corporation, association, or institution to bring or send or cause to be brought or sent into the State of New Jersey any dependent child for the purpose of placing such child in any home in New Jersey or procuring the placing of such child in any home in New Jersey by indenture, adop-

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tion, or otherwise, or to abandon such child after being brought or sent into the State of New Jersey, without first obtaining the written consent of the commissioner of charities and conforming to this act and such rules and regulations of such commissioner of charities consistent herewith as such commissioner of charities may from time to time prescribe. Authority is hereby given to such commissioner of charities to make such rules and regulations as he shall deem best to carry out the provisions of this act.

SEC. 2. Such person, corporation, association, or institution before bringing or sending, or causing to be brought or sent, any such child into this State shall first give an indemnity bond in favor of the State of New Jersey in the penal sum of one thousand dollars, to be approved by said commissioner of charities, conditioned as follows: That they will not send or bring, or cause to be sent or brought, into this State any child that is incorrigible or one that is of unsound mind or body; that they will at once, upon the placement of any child, report to the commissioner of charities its name and age, and the name and the residence of the person with whom it is placed; that if any such child shall, before it reaches the age of twenty-one years, become a public charge they will, within thirty days after written notice shall have been given them of such fact by the commissioner of charities, remove such child from the State; and if any such dependent child shall be convicted of crime or misdemeanor and imprisoned within three years from the time of its arrival within the State such person, corporation, association, or institution will remove from the State such child immediately upon its being released from such imprisonment, and upon failure, after thirty days' notice and demand to remove as aforesaid any such child who shall become a public charge as aforesaid, or who shall have been convicted as before mentioned, in either event such person, corporation, association, or institution shall, at once and thereby, forfeit such sum as the State, or any county or municipality thereof shall have expended in the care, maintenance, or prosecution of such child; that they will place, or cause to be placed, each of such dependent children under written contract, which will secure to such child a proper home and will make the person so receiving such child responsible for its proper care, education, and training; that they will properly supervise the care and training of each of such children and that each of such children shall be visited at least once a year by a responsible agent of the person, corporation, association, or institution so placing, or causing to be placed, such child as herein provided; that they will make to the said commissioner of charities such reports of their work as said commissioner of charities from time to time may require.

SEC. 3. The commissioner of charities shall have general supervision and management of all matters contained in this act, and may make such other and further rules and regulations not inconsistent herewith as he may deem necessary for the proper placing out, indenture, adoption, removal, and supervision of such children, and for the rejection of incorrigible or unsound children, and for the removal of children convicted of crimes or misdemeanors, or who may become public charges.

SEC. 4. Any person, corporation, association, or institution, or any officer or agent thereof herein described, who shall violate any of the

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provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars.

SEC. 5. The provisions of this act shall not apply to a relative going to any other State and bringing a child into this State for the purpose of giving it a home in his or any other family.

SEC. 6. The penalty provided in the bond referred to in the second section of this act shall be recovered in any court of competent jurisdiction in the name of the State of New Jersey; such bonds shall remain in force, and actions may be brought thereon, during any time within which there may be, within this State, any child under the age of twenty-one years who shall have been brought into this State by the principal obligor of said bond.

SEC. 7. This act shall take effect immediately.

Approved, May 10, 1907.

II.

[New Jersey State Laws, 1907, ch. 36, p. 69.]

AN ACT Providing for the establishment of evening schools for foreign-born residents in the State of New Jersey.

Be it enacted by the senate and general assembly of the State of New Jersey:

SECTION 1. The board of education of any school district may establish and maintain a public evening school or evening schools for the instruction of foreign-born residents of said district over fourteen years of age in the English language and in the form of government and the laws of this State and of the United States. Every teacher employed in such a school shall hold a special teacher's certificate, valid as a license to teach in such schools. The state board of education shall prescribe rules for the proper control and management of such schools, for the inspection thereof, for the granting of certificates to teach therein, and for carrying into effect the purposes of this act. The course of study in each of such schools and any changes therein shall be submitted to and shall be approved by the state board of education.

SEC. 2. Whenever in any school district there shall have been raised by special appropriation or special tax, or by subscription, or both, such sum as, in the judgment of the state board of education, shall be sufficient for the maintenance in such district of an evening school or schools as aforesaid, there shall be paid for such purpose to the custodian of the school moneys of said district, on the order of the state superintendent of public instruction, an amount equal to that raised therein as aforesaid, which amount shall be paid by the state treasurer on the warrant of the state comptroller: *Provided*, Said order shall not be issued until the course of study in such school or schools or any changes therein shall have been approved by the state board of education. The moneys appropriated by the State as aforesaid to any school district shall not exceed in any year the sum of five thousand dollars. The custodian of the school moneys of the school district shall be the legal custodian of any and all funds appropriated, raised, or subscribed for the maintenance of such even-

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ing schools. He shall keep a separate and distinct account thereof, and shall disburse said moneys on orders signed by the president and district clerk or secretary of the board of education.

SEC. 3. The board of education of any school district receiving an appropriation from the State for the purpose mentioned in this act shall annually, on or before the 1st day of August, make a special report to the state superintendent of public instruction in the manner and form prescribed by him.

SEC. 4. The state board of education may from time to time appoint suitable persons to assist in carrying out the provisions of this act and to encourage the establishment of such evening schools. The persons so appointed shall receive no compensation for their services, and shall be paid but the necessary expenses incurred by them under the provisions of this act.

SEC. 5. The expenses incurred in carrying out the provisions of this act shall be paid by the state treasurer on the warrant of the state comptroller, but no expense shall be incurred nor payment made for any of the purposes named in this act until an appropriation therefor shall have been made in a regular appropriation bill.

SEC. 6. This act shall take effect immediately.

Approved, April 11, 1907.

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NEW MEXICO.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1880 (an act to establish a bureau of immigration).—By the act of 1880 a board of commissioners, known as the bureau of immigration, is established. The board shall consist of 20 members appointed by the governor and serving two years. Each county is entitled to a commissioner, who shall receive no compensation. The duty of the board shall be to prepare and disseminate accurate information as to soil, climate, minerals, resources, productions, and business of New Mexico, also as to the inducements and advantages offered to desirable immigration and for the investment of capital. A salaried secretary shall be elected to transact business for the board. Local auxiliary committees may be organized for cooperation. Two thousand dollars per annum is appropriated for expenses.

Act of 1897 (an act to amend the Compiled Laws of 1884).—The law of 1897 provides that the board of immigration shall consist of five members, who shall be appointed by the governor. Not more than three members shall be from the same political party. Expenses, but no compensation, may be allowed for the service of members. A salaried secretary shall conduct the ordinary routine business. He shall not be a member of the board, shall serve two years, and shall receive $75 a month. It shall be the duty of the board to devise practical plans to advertise the Territory and induce desirable immigration.

Act of 1905 (an act to amend the Compiled Laws of New Mexico relating to the bureau of immigration).—The act of 1905 provides for increasing the board of immigration from five to six members, one from each judicial circuit of the Territory.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1880.

[Acts of the legislative assembly of the Territory of New Mexico, 1880, ch. 23, p. 74.]

AN ACT To establish a bureau of immigration.

Be it enacted by the legislative assembly of the Territory of New Mexico:

SECTION 1. There is hereby established a territorial board of commissioners, which shall be known as the bureau of immigration.

SEC. 2. Said bureau shall consist of twenty members, who shall be appointed by the governor and hold office for two years and until their successors are appointed. Every county in the Territory shall be represented by at least one member. The governor shall be ex officio a member of said board. In case of any vacancy occurring among such commissioners from death, resignation, or otherwise, it

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shall be filled by appointment by the governor for the unexpired term. The members of the board shall serve without compensation, though they may be reimbursed for actual expenses incurred in the performance of official duties.

SEC. 3. The duties of such commissioners shall be to prepare and disseminate accurate information as to the soil, climate, minerals, resources, productions, and business of New Mexico, with special reference to its opportunities for development, and the inducements and advantages which it presents to desirable immigration and for the investment of capital. They shall have prompt replies sent to all inquiries relative to the above subjects that may be addressed to them; and shall publish and distribute such pamphlets and documents as, in their opinions, shall tend to promote the objects of their organization.

SEC. 4. Said board shall elect from its members such officers and committees as may, in their judgment, be desirable for its efficient action; and shall appoint a secretary, who shall be a salaried officer, and who shall keep an office in the capitol of the capital for the transaction of business. The board may also organize local auxiliary committees in such counties and towns as shall apply for the formation of the same.

SEC. 5. The original members of said board shall be appointed within ten days after the passage of this act, and shall meet at a time to be fixed by the governor as soon as practicable after such appointment. Thereafter said board shall meet on the second Monday of January in each year at the city of Santa Fe, and at such other times and places as it may by by-law or resolution prescribe.

SEC. 6. The sum of two thousand dollars per annum is hereby appropriated for the expenses incurred by said board in the performance of its duties, including the salary of the secretary and the cost of publication of documents, which said sum shall be paid by the treasurer of the Territory on warrants issued by the territorial auditor upon certificates signed by the president of said board. Said board is likewise authorized to acccept any contributions which may be received from any source other than the Territory for the furtherance of its work and to apply them to the carrying out of the objects hereinbefore stated.

SEC. 7. This act shall take effect from and after its passage, and all laws and parts of laws in conflict herewith are repealed.

Approved, February 13, 1880.

ACT OF 1897.

[Laws of New Mexico, 1897, C. B. 37, ch. 9, p. 23.]

AN ACT To amend sections 1299, 1301, and 1302 of the Compiled Laws of 1884.

Be it enacted by the legislative assembly of the Territory of New Mexico:

SECTION 1. That sections 1299, 1301, and 1302 of the Compiled Laws of New Mexico, 1884, be, and the same hereby are, amended so as to read as follows:

SEC. 1299. Said bureau shall consist of five members, one from each judicial district of New Mexico, who shall be appointed by the governor and confirmed

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by the territorial council, not more than three members of any one political party, and hold office for two years and until their successors are appointed and qualified.

In case of any vacancy occurring among such commissioners from death, resignation, or otherwise, it shall be filled by appointment by the governor for the unexpired term. The members shall serve without compensation, though they may be reimbursed for actual expenses incurred in attending meetings of the board.

SEC. 1301. Said board shall elect from its members such officers and committees as may in its judgment be desirable for its efficient action, and shall select a secretary, who shall be a salaried officer, not a member of the board, and hold office for the term of two years and until his successor is elected and qualified. The secretary shall keep his office for the transaction of business at the place designated by the board, and shall receive a salary of seventy-five dollars per month. His office and other actual and necessary expenses shall be audited, allowed, and paid by the authorized officer, officers, or members of said board. The board may establish auxiliary offices in any of the towns or cities of the Territory for the better dissemination of information in connection with the boards of trades or similar organizations in said towns and cities, but with the exception of the office of the secretary no expenses of the offices so established shall be paid by the bureau of immigration or allowed against the Territory.

SEC. 1302. Said board shall meet at the office of the secretary on the second Monday of April of each year, and at such other times and places as it may by by-law or resolution prescribe.

This act shall be in force and effect from and after its passage.

Approved, February 13, 1897.

ACT OF 1905.

[Laws of New Mexico, 1905, H. B. 130, ch. 110, p. 291.]

AN ACT Entitled "An act to amend section 1870, or chapter 1, of the Compiled Laws of the Territory of New Mexico relating to the Bureau of Immigration."

Be it enacted by the legislative assembly of the Territory of New Mexico:

SECTION 1. Said bureau shall consist of six members, one from each judicial district of the Territory of New Mexico, who shall be appointed by the governor and confirmed by the territorial council, and shall hold office for two years and until their successors are appointed and qualified. In case of any vacancy occurring among such commissioners from death, resignation, or otherwise, it shall be filled by appointment by the governor for the unexpired term. The members shall serve without compensation, though they may be reimbursed for actual expenses incurred in attending meetings of the board and for other incidental expenses while in the actual discharge of their duties.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall be in full force and effect from and after its passage.

Approved, March 16, 1905.

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NEW YORK.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1798 (act to confer rights on aliens).—The act of 1798 was passed to enable certain aliens to hold real estate in the State.

Act of 1802 (act in behalf of aliens).—By the act of 1802 aliens were empowered to purchase and hold real estate under stipulated restrictions.

Act of 1804 (act extending rights of aliens).—The act of 1804 extended to all aliens then residents of the State the rights and privileges granted to certain aliens by the act of 1802.

Act of 1818 (act to enroll aliens in militia).—The act of 1818 authorized aliens at any time owning real estate and within the ages of 18 to 45 years to be enrolled in the militia.

Act of 1819 (act to consolidate alien laws).—The act of 1819 reduced to one statute the laws of the State relating to the importation of passengers.

Acts of 1825, 1830, 1831, 1836, 1838, and 1843 (acts to grant aliens additional rights).—The acts of 1825, 1830, 1831, 1836, 1838, and 1843 related to the acquisition of real estate by aliens and extended their rights.

Acts of 1843 and 1845 (acts in aid of marine hospital).—The acts of 1843 and 1845 were passed to provide a system of raising revenue to sustain the marine hospital.

Resolution of 1847 (resolution to regulate passenger shipping).—A resolution was adopted in 1847 memorializing Congress to restrict the number of passengers carried by steamships and their methods of carrying, so as to improve sanitation.

Act of 1848 (act for the protection of aliens).—An act was passed in 1848 for the protection of emigrants arriving in the State. Docks or piers may be purchased for the use of emigrants. Passengers who are alien emigrants shall be landed at the piers. Persons keeping boarding houses for emigrants shall have a license. Boarding-house keepers shall not have a lien on effects of immigrants.

Act of 1849 (act for protection of alien emigrants).—The statute of 1849 amended the prior law for the protection of alien emigrants requiring special facilities and safeguards to be provided.

Act of 1849 (act to regulate alien immigration).—The act of 1849 requires masters of vessels landing alien passengers to report to the mayor of New York. Bonds shall be given for each passenger reported. Commissioners of emigration shall examine into the condition of passengers. Other provisions are also made.

Act of 1849 (act to sustain marine-hospital service).—The act of 1849 was intended to provide for the support of the marine hospital by transferring a portion of the commutation fund to that object.

Act of 1850 (an act to regulate passenger vessels).—The act of 1850 provided for the further regulation of vessels carrying alien passengers and entering the port of New York.

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Act of 1851 (act relating to alien passengers and public health).—In 1850 the prior acts were amended to provide protection for alien passengers, property of passengers, and the public health.

Act of 1853 (act to regulate relations of alien immigrants).—By the act of 1850 any agent of any business institution boarding a vessel before it lands to solicit patronage from immigrants shall be subject to a penalty.

Act of 1853 (act relating to immigration commissioners and the marine hospital).—The act of 1853 provides for amending the several acts defining the powers and duties of the commissioners of immigration and for the regulation of the marine hospital.

Act of 1853 (act to protect emigrant passengers).—The act of 1853 made provision for the supervision of alien passengers and for their protection against fraudulent practices.

Resolution of 1854.—A resolution was directed to Congress in 1854 recommending relief of passengers from sufferings incident to transportation in emigrant vessels.

Act of 1855 (act relating to alien passengers).—The act of 1855 made provision for extending the laws relating to persons becoming public charges.

Act of 1855 (act to protect immigrants).—An act of 1855 provided for the protection of immigrants, second class, steerage, and deck hands.

Act of 1857 (act relating to emigrants and commissioners of emigration).—An act of 1857 provided for repayment of expenses incurred by communities for emigrants and for loaning the emigration commissioners money for purposes specified.

Act of 1857 (act for protection of emigrants).—The act of 1857 was intended to safeguard the persons and property of emigrants from fraud and imposition and to protect the public health.

Act of 1864 (an act relating to commissioners of emigration).—An act of 1864 authorized commissioners of emigration to sell at public auction any property of emigrants in their possession unclaimed within one year.

Act of 1865 (act to enlarge powers of commissioners of emigration).—The act of 1865 conferred upon the commissioners of emigration power to deal with children upon public charity.

Act of 1866 (an act to protect alien passengers).—The act of 1866 provided for the better protection of sick and infirm indigent passengers arriving at the port of New York.

Act of 1867 (An act relating to emigration commissioners and the marine hospital).—The act of 1867 changed the powers and duties of the commissioners of emigration and further regulates the marine hospital.

Act of 1868 (an act relating to alien immigrants).—The act of 1868 provided further security and convenience for immigrants and other passengers arriving at and departing from the port of New York.

Act of 1868 (an act relating to the marine hospital).—The act of 1868 empowered a board of commissioners to sell the marine hospital grounds for prescribed purposes.

Act of 1868 (an act relating to alien emigrants).—The act of 1868 was intended to provide more effectual protection for emigrants arriving at the port of New York.

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Act of 1869 (an act for general purposes).—The act of 1869 enlarged the powers and duties of the commissioners of emigration and provided for regulation of the marine hospital.

Act of 1870 (an act relating to commissioners of emigration and to emigrants).—The act of 1870 appointed nine commissioners of emigration for the purpose of carrying into effect the provisions of an act relating to alien emigrants.

Act of 1871 (an act relating to emigration and the marine hospital).—The act of 1871 provided certain rates of commutation payable by shipmasters on account of emigrants.

Act of 1873 (an act to create a board of emigration commissioners).—The act of 1873 provided for the appointment of six commissioners of emigration for the State of New York. The powers and duties were specified.

Act of 1881 (an act relating to alien emigrants).—The act of 1881 directed the commissioners of emigration to inspect all persons and personal property arriving at the port of New York to determine whose entry shall be prohibited.

Act of 1881 (an act to raise revenue).—The act of 1881 was passed to raise revenue for the execution of the inspection laws of the State.

Act of 1882 (an act conferring power on commissioners of emigration).—The act of 1882 was passed to authorize the commissioners of emigration to contract with the carriers of emigrants for the expense caused to the State by their being brought to the port of New York.

Laws of 1882 (immigrants).—The laws of 1882 present a compilation of the several statutes relating to immigrants.

Act of 1883 (an act relating to appropriation).—The act of 1883 prohibited the state comptroller from drawing his warrant for the payment of the commissioners of emigration under act of 1882.

Act of 1883 (an act relating to alien immigration).—An act was passed in 1883 authorizing the governor to appoint a commissioner of immigration for the State of New York, regulating the admission of alien immigrants and for securing an improved administration of alien immigration.

Act of 1883 (an act for expenses of emigration commission).—The act of 1883 authorized the emigration commission to make a requisition on the state comptroller if the emigration fund should not be sufficient.

Act of 1892 (an act to convey lands held by emigration commissioners).—The act of 1892 directed the commissioners of emigration to transfer certain land and property to the city of New York.

Act of 1904 (an act to amend the insanity law).—The act of 1904 amended the insanity law, providing for the examination of immigrants at the port of New York to ascertain their mental condition.

Act of 1906 (an act to amend the insanity law).—The act of 1906 amended the insanity law relative to the examination of immigrants at the port of New York and the alien and nonresident insane in the State to determine their mental condition.

Act of 1908 (an act to create an immigration commission).—In 1908 an act was passed to establish an immigration commission to

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inquire into the condition, welfare, and industrial opportunities of aliens in the State and providing an appropriation for that purpose.

Act of 1908 (an act to amend the insanity law).—The act of 1908 made provision for establishing a state board of alienists for the examination of insane, idiotic, imbecile, and epileptic immigrants and alien and nonresident insane.

Act of 1910 (an act to amend the labor law).—An act of 1910 amended the state labor law relating to the department of labor and created a bureau of industries and immigration. The object of the bureau is to make full inquiry, investigation, and examination into the condition, welfare, and industrial opportunities of aliens.

Act of 1910 (an act to amend the insanity law).—The act of 1910 provided more rigid examination and more ample qualification for members of the state board of alienists.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1798.

[New York State Laws, 1798, ch. 95, p. 280.]

AN ACT To enable certain persons therein named to purchase and hold real estate within this State, and for other purposes therein mentioned.

Be it enacted by the people of the State of New York represented in senate and assembly, That it shall be and may be lawful for ("certain persons'" names here inserted) severally to purchase lands, tenements, and hereditaments within this State and, respectively, to have and to hold the same to them, their respective heirs and assigns, forever as fully as any natural-born citizen may or can do, any law of the land or usage to the contrary notwithstanding.

And be it further enacted, That no lands, tenements, or hereditaments heretofore purchased by any of the persons hereinbefore named shall escheat to the people of this State on account of the alienism of such persons, but all such lands, tenements, and hereditaments are hereby declared to be vested in such purchaser or purchasers, his, her, or their heirs and assigns, any law to the contrary notwithstanding.

ACT OF 1802.

[New York State Laws, 1802, ch. 49, p. 78.]

AN ACT To enable aliens to purchase and hold real estates within this State under certain restrictions therein mentioned.

Whereas many good and industrious persons, being aliens, have emigrated to this State with an intention to settle and reside therein and have expended the greater part of their capital in purchasing and improving real property; and

Whereas such emigrations have tended to promote as well an improvement in the agriculture as the manufactures of the State; and it is deemed just and right not only to protect the property which they have acquired, but also to encourage others to settle and reside within this State by enabling them to purchase and hold real property: Therefore

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Be it enacted by the people of the State of New York represented in senate and assembly, That all purchases of land made, or to be made, by any alien or aliens who have come to this State and become inhabitants thereof shall be deemed valid to vest the estate to them granted, and it shall and may be lawful to and for such alien or aliens to have and to hold the same to his, her, or their heirs or assigns forever, and to dispose of the same, any plea of alienism to the contrary thereof notwithstanding: *Provided*, That any purchase hereafter to be made by any such alien does not exceed one thousand acres.

And be it further enacted, That in case any alien or aliens shall sell and dispose of any real estate which by law they are entitled to hold and dispose of, or which they may hereafter hold in virtue of this act, such alien or aliens, his, her, or their assigns shall and may and are hereby declared capable of taking a mortgage in his, her, or their own name or names as a collateral security for the purchase money due thereon, or any part thereof.

And be it further enacted, That the title of any citizen or citizens of this State to any land or lands within this State heretofore conveyed to such citizen or citizens, and now in the actual possession of such citizen or citizens, shall not be questioned or impeached by reason of the alienism of any person or persons from or through whom such title may have been derived: *Provided*, That nothing in the said last clause contained shall extend to the military or bounty lands, so called, in the counties of Onondaga and Cayuga.

And be it further enacted, That all and every conveyance or conveyances executed in pursuance of the act entitled "An act to enable aliens to purchase and hold real estates within this State, under certain restrictions therein mentioned," and which have not been recorded agreeably to the directions of the said act, shall and may be recorded within twelve months after the passing of this act, and the lands thereby conveyed shall not in such case enure or be deemed to enure to the use of the people of this State.

ACT OF 1804.

[New York State Laws, 1804, pt. 26, ch. 109, p. 441.]

* * * * * * *

And be it further enacted, That all the provisions in favor of aliens contained in this act, entitled "An act to enable aliens to purchase and hold real estates within this State, under certain restrictions therein mentioned," passed the 26th day of March, 1802, shall be, and hereby are, extended to all aliens who shall come to this State and become inhabitants thereof at the time of passing this act.

(Above act extended, session of legislature, February 27, 1805.)

ACT OF 1818.

[New York State Laws, 1818, ch. 222, p. 216.]

AN ACT To organize the militia.

* * * * * * *

SEC. 8. *And be it further enacted*, That the commanding officer of each company shall from time to time enroll all able bodied free white male citizens and every able bodied alien who shall have at

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any time been seized of any real estate within this State, and the sons of every such alien, and who may be between the ages of eighteen and forty-five years, and within the limits of his command, and distinguish on his roll and company return all between eighteen and twenty-one years of age.

ACT OF 1819.

[Laws of New York, 1819–1821, ch. 222, p. 203.]

AN ACT To amend the act entitled "An act to reduce several laws relating particularly to the city of New York into one act," so far as it relates to the importation of passengers.

I. *Be it enacted by the people of the State of New York, represented in senate and assembly*, That every master or commander of any ship or other vessel arriving at the port of New York, which by the laws of the United States as they existed on the 9th April, 1813, were bound to enter at the custom-house in said port, shall, notwithstanding the repeal, modification, or alteration of the laws of the United States since the said period, in regard to the entry of vessels at the custom-house, and whether such ships or vessels shall be entered at the custom-house or not, be bound to make a report of their passengers, to all intents and purposes, according to the provisions of the two hundred and fifty-first section of the act hereby amended, and under the penalties therein contained.

II. *And be it further enacted*, That the owner or consignee of any such ship or vessel shall be subject to the like penalties and forfeitures with the master or commander thereof for any violation of the provisions of said act by the said master or commander.

III. *And be it further enacted*, That every alien who shall enter the said city with the intention of residing therein shall, within twenty-four hours thereafter, make a report of himself in writing, on oath, to the mayor, or in case of his sickness or absence to the recorder of the said city, stating his name, age, and occupation, the name of the ship or vessel in which he arrived, the time and place when and where he landed, and the name of the commander of such ship or vessel, under the penalty of one hundred dollars.

IV. *And be it further enacted*, That the penalties hereby imposed shall be sued for, recovered, and appropriated in the manner prescribed in and by the two hundred and fifty-fifth section of the act hereby amended.

Passed April 14, 1820.

ACT OF 1825.

[New York State Laws, 1825, ch. 307, p. 427.]

AN ACT To enable resident aliens to take and hold real estate, and for other purposes.

SECTION 1. *Be it enacted by the people of the State of New York, represented in senate and assembly*, That any alien or aliens who have come to this State or who may hereafter come to this State and become inhabitants thereof may take and hold lands and real estate of

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any kind whatsoever, to them, their heirs and assigns forever; and may sell, assign, mortgage, and devise and dispose of the same in any manner howsoever, as they might or could do if they were native citizens of this State or of the United States: *Provided*, That no alien shall be capable of taking or holding any lands or real estate unless and until he shall have made a deposition or affirmation in writing, before the chancellor or the judge of a court of record, or other officer authorized to take the acknowledgment or proof of deeds, that he is a resident in and intends always to reside in the United States and to become a citizen there as soon as he can be naturalized, and that he has taken such incipient measures as the laws of the United States require to enable him to obtain naturalization: *Provided further*, That such alien shall not have power to lease or demise any real estate which he may take or hold in virtue of this act until he becomes naturalized: *Provided also*, That an alien shall not be capable of taking or holding any lands or real estate which may have descended or been devised or conveyed to him previously to his having become such resident as aforesaid and made such affidavit or affirmation as aforesaid.

SEC. 2. *And be it further enacted*, That such deposition or affirmation, after it shall have been made before the judge or chancellor, or such other officer as aforesaid, and shall have been certified by the officer before whom it is made, shall be filed in the secretary's office of this State and shall be recorded by the secretary of state in a book or books to be by him kept for recording such depositions or affirmations; and a copy of such deposition or affirmation, certified by the said secretary, shall be evidence in all courts and on all occasions where evidence of any person's having made such deposition or affirmation may be required.

SEC. 3. *And be it further enacted*, That the secretary of state shall be allowed for recording such deposition or affirmation the sum of fifty cents, and for every copy thereof, fifty cents, to be paid by the person requiring such record or copy.

SEC. 4. *And be it further enacted*, That any alien that shall hold any lands or real estate in virtue of this act shall be subject to military duty and all other duties, impositions, assessment, and taxes as if he were a citizen of this State: *Provided*, That he shall not be capable of serving as a juror, unless in cases where a jury demedietate linguæ shall be summoned, or of voting at any election, or of being elected or appointed to any civil office.

SEC. 5. *And be it further enacted*, That any alien holding real estate by virtue of this act shall forfeit the same to the people of this State by the commission of any act which would operate a forfeiture in case such alien had been a citizen.

Passed April 21, 1825.

ACT OF 1830.

[1830, ch. 171, p. 186.]

An act was passed April 15, 1830, extending the powers of resident aliens to the conveyance of real estate, yet retaining the privileges granted in act 1825, chapter 307, page 427.

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[1831, ch. 172, p. 204.]

Above act of April 15, 1830, extended by act of April 15, 1831, until April 15, 1832.

[1833, ch. 167, p. 194.]

Act April 15, 1830, continued until April 15, 1835.

ACT OF 1836.

[New York State Laws, 1836, ch. 339, p. 478.]

AN ACT To enable resident aliens to hold and convey real estate.

Act similar to act April 15, 1830, except said alien or aliens must, after sale or conveyance of any real estate, "within one year after the passage of this act, make and file such deposition or affirmation as is required by the provisions of the aforesaid title; otherwise it shall be of no force or effect whatever, as it regards such alien."

* * * * * * *

SEC. 3. This act shall continue in force for five years from the date hereof, and no longer.

Passed May 13, 1836.

[1838, ch. 32, p. 17.]

An act amending act May 13, 1836, grants and extends privileges of making and filing a deposition or affirmation as required in provisions aforesaid, up to and including the 13th of April, 1839.

ACTS OF 1843.

I.

[New York State Laws, 1843, ch. 87, p. 62.]

AN ACT To enable resident aliens to hold and convey real estate.

Similar to act May 13, 1836, i. e., that said resident alien shall make and file a deposition or affirmation within one year from the time of such sale or purchase of real estate; that, complying with such requirement, said alien may hold and convey real estate "during the term of five years from the passage of this act."

Passed April 10, 1843.

II.

[New York State Laws, 1843, ch. 213, p. 284.]

AN ACT To amend the revised statutes in relation to the marine hospital and its funds.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The first subdivision of the seventh section of title four, chapter fourteen, of part first of the revised statutes shall be amended so as to read as follows:

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From the master of every vessel from a foreign port, for himself one dollar and fifty cents, and for each cabin passenger one dollar and fifty cents; for every steerage passenger, twenty-five cents; and for each mate, sailor, or marine, one dollar.

Passed April 18, 1843.

ACT OF 1845.

[New York State Laws, 1845, ch. 227, p. 249.]

AN ACT In relation to the marine hospital and its funds.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The first section of the act passed May 7, 1844, in relation to the marine hospital and its funds, is amended so as to read as follows:

The first section of the act called "An act to amend the Revised Statutes in relation to the marine hospital and its funds," passed April 18, 1843, is hereby amended so as to read as follows: "From the master of every vessel from a foreign port, for himself one dollar and fifty cents; for every cabin passenger, two dollars; for every steerage passenger, fifty cents; and for each mate and sailor one dollar."

SEC. 2. This act shall take effect immediately.

Passed May 13, 1845.

RESOLUTION OF 1847.

[New York State Laws, 1847, p. 379.]

STATE OF NEW YORK—Concurrent resolution.

IN ASSEMBLY, *February 5, 1847.*

Whereas the regulation of commerce between foreign countries and the United States belongs, by virtue of the Constitution, to the Congress of the latter; and

Whereas from the increase of emigration within the last few years the transportation of steerage passengers from the nations of Europe to this country has become a large and lucrative branch of commerce, profitable in proportion to the number of persons who can be induced to take passage on board of each vessel employed in this trade; and

Whereas many inhuman persons, careless of the wants, the health, and comfort of their passengers and eager only for gain, are now engaged in such transportation; and

Whereas almost weekly some such vessel, swarming with human beings, arrives at our port, and the details of their sufferings arising from the crowded state of such vessel, the neglect of the master to see secured a sufficiency of provisions and water for the voyage, and the conveniences for preparing food, the inattention of such master to the cleanliness of the steerage and the comfort and health of the passengers, are shocking to our sense of humanity and disgraceful to any country possessing the power to prevent the recurrence of such enormities: Therefore

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Resolved (*if the senate concur*), That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to obtain the passage of a law limiting and defining the number of passengers for each vessel engaged in the transportation of passengers from any foreign country to the United States, according to her burthen, determining the quantity of provisions and water for each passenger on the voyage, securing the presence of a physician on shipboard, and prohibiting the stowing of merchandise or other freight between decks when occupied by emigrant passengers, and containing such other regulations as may be thought necessary or proper to prevent the great and crying evils which at present so often occur, and which are so contrary to the controlling and benevolent spirit of the age.

By order:

P. B. PRINDLE, *Clerk.*

ACT OF 1848.

[Laws of New York, 1848, ch. 219, p. 328.]

AN ACT For the protection of emigrants arriving in the State of New York.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of emigration are hereby authorized and empowered to lease or purchase suitable docks or piers in the city of New York, and to erect necessary enclosures thereon, and such docks and piers to be appropriated and set apart for the exclusive use of landing emigrants, alien passengers; but no docks or piers shall be purchased or leased without the approval and consent of the common council of said city, and the expense thereof, not to exceed fifteen thousand dollars, to be paid out of the moneys paid in pursuance of the provisions of an act entitled "An act concerning passengers in vessels coming to the city of New York, passed May 5, 1847, and be considered and charged as applied to the general purposes of said act," on application being made to them by any steamboat or lighter proprietor who is a citizen of good moral character, and shall give good security, in a sum not exceeding five hundred dollars, to comply with the provisions of this act; the said commissioners are hereby authorized and directed to grant licenses to receive alien passengers and their baggage from vessels arriving at the port of New York, subject to quarantine, or from the passenger's docks at quarantine, to be landed at the emigrant piers or docks aforesaid; and the said commissioners shall have power to revoke the license of any person violating the provisions of this act. And every captain of a steamboat or lighter not properly licensed for such purpose, pursuant to this section, who shall convey any emigrant passengers from any such vessels shall be liable to a penalty of one hundred dollars for each and every offense, to be recovered by the said commissioners of emigration.

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SEC. 2. It shall be the duty of every shipmaster, owner, or consignee bringing to the port of New York any alien emigrants, steerage or second-cabin passengers, in vessels not subject to quarantine, to cause the same, with their baggage, to be landed on the emigrant piers aforesaid, either directly from the vessel or by means of some steamboats or lighters licensed as aforesaid; and the landing of them upon any other pier or wharf shall be punished by a fine not less than one hundred dollars, which fine may be recovered of the master, owner, or consignee of such ship or vessel. The commissioners of emigration are hereby empowered to make all necessary regulations for the preservation of order and the admission to or exclusion from said dock of any person or persons excepting such as are duly licensed, and any person violating any of such regulations shall be liable to a penalty of one hundred dollars for each and every offense, to be recovered by the said commissioners of emigration.

SEC. 3. All persons keeping boarding houses in any of the cities of this State for the purpose of boarding emigrant passengers shall be required to have a license for said purpose from the mayor of the city in which such houses are located, and each person so licensed shall pay to said city the sum of ten dollars per annum, and shall give bonds satisfactory to said mayor, with one or more sureties, in the penal sum of five hundred dollars for their good behavior, and said mayor is hereby authorized to revoke said license for cause. Every keeper of such boarding house shall, under a penalty of fifty dollars, cause to be kept conspicuously posted in the public rooms of such house, in the English, German, Dutch, French, and Welsh languages, a list of the rates of prices which will be charged emigrants per day and week for boarding and lodging, and also the rates for separate meals. The keeper of such house shall also file a copy of said list in the city of New York, in the office of the commissioners of emigration, and in each of the other cities of this State with the mayor of said city; and the keeper of any emigrant boarding house who shall neglect to post a list of rates or who shall charge or receive, or permit or suffer to be charged or received for the use of such keeper any greater sum than according to the rates or prices so posted shall, upon conviction thereof, be deprived or his or her license and be punished by a fine of not less than fifty dollars and not exceeding one hundred dollars, to be recovered in the city of New York by the commissioners of emigration and in the other cities of this State by the mayor thereof.

SEC. 4. No keeper of any emigrant boarding house shall have any lien upon the baggage or effects of any emigrant for boarding, lodging, storage, or on any other account whatever, and upon complaint being made upon oath before the mayor or any police magistrate of the city in which such boarding house is located that the luggage or effects of any emigrant are detained by the keeper of any emigrant boarding house under pretense of any lien upon such luggage or effects, or on any claim or demand against the owner or owners thereof, it shall be the duty of the officer before whom such complaint is made immediately to issue his warant, directed to any constable or policeman of said city, commanding him or them to bring before him the party against whom such complaint has been made,

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and upon conviction thereof the officer before whom such conviction shall be had shall cause said goods to be forthwith restored to the owner thereof, and the party so convicted shall be punished by a fine not less than fifty dollars and not exceeding one hundred dollars and shall be committed to the city prison until the said fine shall be paid and until such luggage or effects shall be delivered to such emigrants.

SEC. 5. No person shall, in any city in this State, solicit emigrant passengers or their luggage for immigrant boarding houses, passenger offices, forwarding or transportation lines without the license of the mayor of such city, for which he shall pay the sum of twenty dollars per annum and give satisfactory bonds to said mayor in the penal sum of three hundred dollars as security for his good behavior. Every person so licensed shall wear in a conspicuous place about his person a badge or plate of such character and in such manner as said mayor shall prescribe, with the words "licensed emigrant runner" inscribed thereon, with his name and the number of his license; no person who is not of approved good moral character shall be licensed as such runner. Every person who shall solicit alien emigrant passengers or others for the benefit of boarding houses, passenger offices, or forwarding lines upon any street, lane, alley, or upon any dock, pier, or public highway, or in any other place within the corporate bounds of any city in this State, or upon any waters adjacent thereto, over which any of said cities may have jurisdiction, without such license shall be deemed guilty of a misdemeanor and shall be punished by imprisonment in the county prison or jail not less than three months nor exceeding one year, and shall also forfeit his license.

SEC. 6. The commissioners of emigration may, when, in their opinion, it shall seem necessary, appoint a proper person or persons to board vessels from foreign ports at the quarantine ground or elsewhere in the port of New York having on board emigrant passengers, for the purpose of advising such emigrants and putting them on their guard against fraud and imposition; and the health officer is hereby required to prevent any person or persons from going on board such vessels which may be subject to examination by him until after the said person or persons appointed by the commissioners of emigration shall have had sufficient opportunity to perform their duty.

SEC. 7. No person or persons shall exercise the vocation of booking emigrant passengers or taking money for their inland fare, or for the transportation of the luggage of such passengers, without keeping a public office for the transaction of such business, nor without the license of the mayor of the city in which such office shall be located, for which shall be paid the sum of twenty-five dollars per annum, and give satisfactory bonds in the penal sum of one thousand dollars to the mayor of said city as security for the proper manner in which his or their business shall be conducted in forwarding said emigrant passengers or their luggage. Every such office and place for weighing luggage shall be at all times, when business is being transacted therein, open to the commissioners of emigration or their agent, duly appointed; and no scales or weights shall be used for such purpose but such as have been inspected and sealed by the city inspector of

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weights. And every such establishment shall have posted in a conspicuous manner at its place of business in the English, German, Dutch, French, and Welch language a list of prices or rates of fare for the passage of emigrant aliens and the price per hundred pounds for transportation of their luggage to the principal places to which the proprietors thereof undertake to convey such passengers; and shall deliver a copy of such list to the agent of the commissioners of emigration in any city where such agencies shall be established, and every person or company who shall charge or receive, or allow to be charged or received by any person in his or their employment, a greater amount than is specified in said list of prices, who shall defraud any emigrant in the weight of his luggage, shall, together with all other persons concerned in said frauds be punished by a fine not less than one hundred dollars and not exceeding two hundred dollars, which money when collected shall be paid into the city treasury of such city, except in the city of New York, where it shall be paid to the commissioners of emigration, and any person or company receiving money as aforesaid for the passage of emigrant aliens. or for the transportation of their luggage without such office and license, or who shall refuse admission as aforesaid to such office or place of weighing luggage during the times of transacting business therein, or who shall neglect or refuse to post the said list of rates as aforesaid, or who shall neglect or refuse to furnish a copy thereof as aforesaid, shall be deemed guilty of a misdemeanor, and shall be punished with imprisonment in a county prison for a period not less than three months nor exceeding one year.

SEC. 8. No person holding office under the Government of the United States, or of this State, or of any of its cities, or who shall be in the employment of the commissioners of emigration, shall solicit custom for any transportation line, or shall be interested in any way, directly or indirectly, in the forwarding of emigrants, under a penalty of not less than one hundred dollars, and not exceeding three hundred dollars, to be sued for in the name of the people of this State, and which money, when collected, shall be paid into the county treasury for the use of the poor of said county.

SEC. 9. The penalties and forfeitures prescribed by this act, except as is hereinbefore otherwise provided, shall be sued for and collected in the name of the people of this State and applied in the same manner specified in the foregoing section, except so far as this act applies to the city of New York, where the same may be sued for and recovered, with costs of suit, before any court having cognizance thereof, by and in the name of the commissioners of emigration; and when so recovered shall constitute a part of the fund and be disposed of in the same manner as commutation moneys now derived from emigrant passengers.

SEC. 10. The commissioners of emigration shall annually make and return to the legislature with their annual report an affidavit in and by which they shall respectively swear or affirm, each for himself, to the correctness of such report, and that he hath not, directly or indirectly, been interested in the business of boarding emigrants, in the transportation of any emigrant passengers through any portion of the interior of this country, or had made or received, directly or indirectly, any gain, profit, or advantage, by or through the purchase of

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supplies, the granting of any contract or contracts herein, or licenses, privilege, or privileges, or the employment of any officer, servant, or agent, mechanic, laborer, or other person in the business, under the control of said commissioners.

SEC. 11. In case the moneys now appropriated by law for the support of the fever and smallpox hospitals at quarantine shall be exhausted during the recess of the legislature, the commissioners of emigration may use such portions of the commutation money, collected pursuant to act of May 5, 1847, for the support of said hospitals, as the governor, attorney-general, and comptroller may certify to be necessary for such purpose.

SEC. 12. This act shall take effect immediately.

Passed April 11, 1848, "three-fifths being present."

ACTS OF 1849.

I.

[Laws of New York, 1849, ch. 432, p. 600.]

AN ACT To amend "An act for the protection of emigrants arriving in the State of New York.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The third and seventh sections of the act entitled "An act for the protection of emigrants arriving in the State of New York," is hereby amended so as to read as follows:

SEC. 3. All persons keeping houses in any of the cities of this State for the purpose of boarding emigrant passengers shall be required to have a license for said purpose from the mayor of the city in which such houses are located, and such person licensed shall pay to the said city the sum of ten dollars per annum and shall give bonds satisfactory to said mayor, with one or more sureties, in the penal sum of five hundred dollars, for their good behavior and the proper conduct of all agents and runners in their employ, and said mayor is hereby authorized to revoke any license for cause. Every keeper of such boarding house shall, under a penalty of fifty dollars, cause to be kept conspicuously posted in the public rooms of such house, in the English, German, Dutch, French, and Welsh languages, and printed upon business cards, to be kept for distribution as hereinafter provided, a list of the rate of prices which will be charged emigrants per day and week for board and lodging and also the rates for separate meals, which card shall contain the name of the keeper of such house, together with its number and the name of the street in which such house is situated. The keeper of such house shall also file a copy of said list in the city of New York in the office of the commissioners of emigration, and in each of the other cities of this State with the mayor of said city and with the agent of the commissioners of emigration, and the keeper of any emigrant boarding house who shall neglect or refuse to post a list of rates, or to keep business cards so as above provided, or who shall charge or receive, or permit or suffer to be charged or received for the use of such keeper or for any other person, any greater sum than according to the rates of prices so posted and printed on business cards, and if any runner employed by any emigrant boarding-house keeper himself shall engage any emigrants as guests for such boarding house without delivering to every such emigrant a printed business card as above provided he shall, upon conviction thereof, be deprived of his or her license and be punished by a fine not less than fifty nor more than one hundred dollars, to be recovered in the city of New York by the commissioners of emigration, and in the other cities of this State by the mayors thereof, and any person who shall keep a boarding or lodging house for emigrants within any of the cities of this State who shall refuse or neglect to obtain a license in pursuance of the provisions

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of this section shall, upon the first conviction, forfeit the penalty of one hundred dollars, and upon a subsequent conviction shall forfeit the penalty of two hundred dollars, to be recovered by the persons and in the manner above set forth.

SEC. 7. No person or persons shall exercise the vocation of booking emigrant passengers, or taking money for their inland fare, or for the transportation of the luggage of such passengers, without keeping a public office for the transaction of such business, nor without the license of the mayor of the city in which such office shall be located, for which shall be paid the sum of twenty-five dollars per annum. Every such office and place for weighing luggage shall be at all times when business is being transacted therein open to the commissioners of emigration or their agent, duly appointed, and no scales or weights shall be used for such purpose but such as have been inspected and sealed by the city inspector of weights; and every such establishment shall have posted in a conspicuous place and manner at its place of business, in the English, German, Dutch, French, and Welsh languages, a list of prices or rates of fare for the passage of emigrant passengers, and the price per hundred pounds for transportation of their luggage to the principal places to which the proprietors thereof undertake to convey such passengers; and shall also deliver a copy of such list to the commissioners of emigration, or to their agent in any city where such agency shall be established; and any person or company who shall charge or receive, or allow to be charged or received, by any person in his or their employment a greater amount than is specified in said list of prices, or who shall defraud any emigrant in the weight of his or her luggage, or who shall receive money from an emigrant or emigrants for their passage or for the transportation of their luggage, and shall refuse or neglect to issue to the person or persons so paying their fare, or for the transportation of their luggage, a ticket which shall state the time and place of such issue, the number of persons so paying, the distance in miles to the place to which fare is received, the amount so received, the number of pounds of baggage, and the price per hundred pounds for its transportation; which said ticket shall be signed by the person or persons in whose names the establishment is conducted, and if more than one person is interested in the concern as a partner, then the full name of all the persons so interested in said concern shall be printed or written on the ticket, or who shall issue any such ticket directed to an agent without first having made arrangements with some responsible person or persons to act as his, her, or their agent, or who shall issue a ticket so as aforesaid for the passage of any emigrant, or his or her luggage, which shall not be promptly redeemed by the agent or consignee, according to the terms of the agreement as set forth in the ticket, or who shall in any way fail or neglect to fullfil any contract for the passage of any emigrant, or for the transportation of any luggage, made with an emigrant, or who shall issue to any person blank receipts signed by him or them, or who shall permit his, her, or their name or names to be used by any other person or persons in said business of booking emigrant passengers or their luggage, or taking money for their fare or transportation of their luggage, shall, together with all other persons concerned in the violation of these provisions, be deemed guilty of a misdemeanor, and shall upon conviction be punished by confinement in a city or county prison not less than six nor more than twelve months; and any person or company receiving money as aforesaid for the passage of emigrants, or for the transportation of their luggage, without such office and license, or who shall refuse admission as aforesaid to such office or place of weighing luggage during the time of transacting business therein, or who shall neglect to post the said list of rates as aforesaid, or who shall neglect or refuse to furnish a copy thereof as aforesaid, or who shall make any arrangement or engagement with any emigrant for his passage or transportation, or any runner or agent connected with or employed by such forwarding establishment make such engagement or arrangement without delivering to every such emigrant a printed card (in the language of the country to which said emigrant may belong) of prices or rates of fare, which will be charged every emigrant for his passage or for transportation of his baggage or effects to the principal places on the route which he, the said emigrant, is about to travel, or every such keeper or owner or owners, or runner or runners connected therewith, or any licensed emigrant runner or runners shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by imprisonment in the county prison for a period not less than three nor more than six months. Licenses under this section may be

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revoked for cause; and no person shall be licensed under this section who is not of good moral character and a citizen of the United States.

SEC. 2. The commissioners of emigration are hereby authorized to employ such agents, clerks, and servants as they shall deem necessary for the purposes aforesaid; and they shall appoint at least one agent in each of the cities of Albany, Rochester, and Buffalo, and pay a reasonable compensation to such agents, clerks, and servants for their services out of the moneys aforesaid.

Passed April 11, 1849, "three-fifths being present."

II.

[Laws of New York, 1849, ch. 350, p. 504.]

AN ACT To amend certain acts concerning passengers coming to the city of New York.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The first section of an act entitled "An act concerning passengers in vessels coming to the city of New York," passed May 5, 1847, is hereby amended so as to read:

Within twenty-four hours after the landing of any passenger from any ship or vessel arriving at the port of New York from any of the United States other than this State or from any country out of the United States the master or commander of the ship or vessel from which such passenger or passengers shall have been landed shall make a report in writing, on oath or affirmation, to the mayor of the city of New York or, in case of his absence or other inability to serve, to the person discharging the duties of his office, which report shall state the name, place of birth, last legal residence, age, and occupation of every person or passenger who shall have landed from such ship or vessel on her last voyage to said port, not being a citizen of the United States, and who shall have within the last preceding twelve months arrived from any country out of the United States at any place within the United States, and who shall not have paid the commutation money, or been bonded according to the provisions of this act or of the act hereby amended or of the act of February 11, 1824, concerning passengers in vessels coming to the port of New York, nor paid commutation money under the provisions of this or any former act. The said report shall contain a like statement of all such persons or passengers, as aforesaid, as shall have landed or been suffered to land from any such ship or vessel at any place during such last voyage, or who shall have been put on board, or suffered to go on board, of any ship, vessel, or boat with the intention of proceeding to and landing at the said city of New York or elsewhere within the limits of this State. The said report shall further specify whether any of said passengers so reported are lunatic, idiot, deaf, dumb, blind, or infirm; and if so, whether they are accompanied by relatives likely to be able to support them; and shall further specify particularly the names, last place of residence, and ages of all passengers who may have died during the said last voyage of such vessel; also the names and residence of the owner or owners of such vessel. In case any such master or commander shall omit or neglect to report, as aforesaid, any such person or passenger, with the particulars aforesaid, or shall make any false report or statement in respect to any such person or passenger, or in respect to the owner or owners of any such vessel, or in respect to all or any of the particulars hereinbefore specified, such master or commander shall forfeit the sum of seventy-five dollars for every such passenger in regard to whom any such omission or neglect shall have occurred or any such false report or statement shall be made, for which the owner or owners, consignee or consignees of every such ship or vessel shall also be liable jointly and severally, and which may be sued for and recovered as hereinafter provided.

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SEC. 2. The second section of said act is hereby amended so as to read:

It shall be the duty of the said mayor or other person discharging the duties of his office as aforesaid, by an endorsement to be made on the said report, to require the owner or consignee of the ship or vessel from which such persons were landed to give a several bond to the people of the State in a penalty of three hundred dollars for each and every person or passenger included in such report, such bond being secured as hereinafter provided and conditioned to indemnify and save harmless the commissioners of emigration and each and every city, town, or county in this State from any cost which said commissioners or such city, town, or county shall incur for the relief or support of the person named in the bond within five years from the date of such bond, and also to indemnify and refund to the said commissioners of emigration any expense or charge they may necessarily incur for the support or medical care of the person named therein if received into the marine hospital or any other institution under their charge. Each and every bond shall be secured by two or more sufficient sureties, being residents of the State of New York, each of whom shall prove by oath or otherwise that he is owner of a freehold in the State of the value of three hundred dollars over and above all or any claim or lien thereon or against him, including therein any contingent claim which may accrue from or upon any former bond given under the provisions of this act, or such bond may, at the option of the party, be secured by mortgage of real estate, or by the pledge and transfer of public stock of the United States or of the State of New York or of the city of New York, or by deposit of the amount of the penalty in some bank or trust company, such security, real or personal, having been first approved by the said mayor. It shall be lawful for any owner or consignee, at any time within three days after the landing of such persons or passengers from any ship or vessel in the port of New York, to commute for the bond or bonds so required by paying to the health commissioner of the city of New York the sum of one dollar and fifty cents for each and every passenger reported by him as by law required; the receipt of such sum by such health commissioner shall be deemed a full and sufficient discharge from the requirements of giving bonds, as above provided. The said health commissioner is hereby required to pay once daily the same money, with an account thereof, to the chamberlain of the city of New York. The said health commissioner shall receive in lieu of fees and percentages a salary of two thousand dollars per annum, and shall give bonds, to be approved of by one of the judges of the supreme court, in the penalty of ten thousand dollars for the faithful performance of his duty.

SEC. 3. Section three of said act is amended so as to read as follows:

It shall be the duty of the commissioners of emigration hereinafter named to examine into the condition of passengers arriving at the port of New York in any ship or vessel, and for that purpose all or any of the said commissioners or such other person or persons as they shall appoint shall be authorized to go on board and through any such ship or vessel, and if, on such examination, there shall be found among such passengers any lunatic, idiot, deaf, dumb, blind, or infirm persons not members of emigrating families, or who from attending circumstances are likely to become permanently a public charge, or who have been paupers in any other country, or who from sickness or disease existing at the time of departing from the foreign port are or are likely soon to become a public charge, they shall report the same to the said mayor particularly; and thereupon, and unless a bond as required in the second section of this act shall have been given, the said mayor or the person discharging the duties of his office, shall require in the endorsement to be made as aforesaid, or in any subsequent endorsement or endorsements thereon, and in addition to the commutation money that the owner or consignee of such ship or vessel, with one or more sufficient sureties, shall execute a joint and several bond to the people of the State in a penalty of five hundred dollars for every such passenger, conditioned to indemnify and save harmless the commissioners of emigration and each and every city, town, or county within this State, from any further cost or charge which said commissioners or any such city, town, or county shall incur for the maintenance or support of the person or persons named in such bond, or any of them, within ten years from the date of such bond. The sureties to the said

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bonds shall be required to justify before and to the satisfaction of the officer making such endorsement, and by their oath or affirmation shall satisfy such officer, that they are respectively residents of the State of New York and worth double the amount of the penalty of such bond over and above all debts, liabilities, and all property exempt from execution. The subsequent endorsement authorized in this section may be made at any time within ten days after such examination or of the landing of any such person or passenger.

SEC. 4. If any person for whom a bond shall have been given as aforesaid shall, within the time specified in such bond, become chargeable upon any city, town, or county of this State, or upon the moneys under the control of the said commissioners as aforesaid, the said commissioners may bring an action on such bond in the name of the people of this State, and shall be entitled to recover on such bond from time to time so much money, not in the whole exceeding the penalty of such bond exclusive of costs, as shall be sufficient to defray the expenses incurred by any such city, town, or county or the said commissioners for the maintenance and support of the person for whom such bond was given as aforesaid, and shall be authorized to collect and apply such money from any of the real or other security mortgaged, pledged, or deposited therefor in conformity to this act.

SEC. 5. If any owner or consignee as aforesaid shall refuse or neglect to give any such bond or bonds and security therefor as hereinbefore required for each person or passenger landing from his ship or vessel within three days after the landing of such persons or passengers, in respect to bonds required by the second section of this act, or shall not within that time have paid the moneys authorized by said second section to be received in cases where such bonds are herein authorized to be commuted for, every such owner or consignee of such ship or vessel, severally and respectively, shall be subject to a penalty of five hundred dollars for each and every person or passenger on whose account such bond may have been required or for whom such commutation money might have been paid for under this act; such penalty to be sued for as provided for in the twelfth section of the said act hereby amended.

SEC. 6. The first section of the act entitled "An act to amend an act entitled 'An act concerning passengers in vessels coming to the city of New York,'" passed December 15, 1847, is hereby amended so as to read as follows:

The institution belonging to this State now known as the marine hospital, and all the lands and buildings thereon, and all lands and buildings which may hereafter be purchased or erected and designated for such marine hospital, or lands and buildings used for quarantine purposes, are hereby vested in the commissioners of emigration, to be by them held in trust for the people of this State; and the sole and exclusive control of the same, except in regard to the sanitary treatment of the inmates thereof, is hereby given to the said commissioners of emigration, for the purpose of receiving therein all persons for whom bonds may be required, or for whom any bond or bonds may have been given, required, or commuted for under the provisions of this act or the acts hereby amended, suffering under or afflicted with any contagious or infectious disease, or other disease preventing their immediate removal to any more distant hospital, and who shall be sent to such hospital by the direction of the health officer or under his authority.

SEC. 7. The third section of the act entitled "An act to amend an act entitled 'An act concerning passengers in vessels coming to the city of New York,'" passed December 15, 1847, is hereby amended by adding thereto at the end thereof the words following:

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The commissioners of emigration shall also have, in relation to any illegitimate children so chargeable, or any child likely to be born a bastard whose mother is so chargeable or receiving support, the same powers and authority to proceed to secure indemnity for the support of the mother and child as are now and have heretofore been by law vested in the commissioners of the almshouse.

SEC. 8. The commissioners of emigration are authorized to employ and appoint a superintendent and such officers other than physicians, nurses, and orderlies, and such servants as they shall deem necessary for the management and care of the marine and other hospital used for quarantine purposes, and to pay all needful expenses therefor out of the moneys under their control. But the moneys received under any of the provisions of this act as commutation money, or upon bonds given for or on account of any persons or passengers landing from vessels at the port of New York or elsewhere shall not be applied or appropriated to any other purpose or use than to defray the expenses incurred for the care, support, or maintenance of such persons or passengers, and nothing in this contained shall be deemed to affect the authority of the board of health nor the mode of appointment of the health officer, resident physician, or commissioner of health of the city of New York, or to prevent the health officer from selecting his own medical assistants for any duties required by law to be discharged by him or under his authority. The said health officer shall at all times have access to inspect all or any patients affected with any contagious or infectious diseases, and to decide upon their detention at quarantine, or the further detention of the vessels from which such patients may have been received.

SEC. 9. The fourth section of said last-mentioned act is amended by striking out the words "of the" before the word "institution" and inserting in lieu thereof the word "any."

SEC. 10. The fifth section of said last-mentioned act is amended so as to read:

In all cases in which minor children of alien passengers shall become orphans by their parents or last surviving parent dying on the passage to the port of New York, or in the marine hospital, or any other establishment under the charge of the commissioners, the personal property which such parents or parent may have had with them shall be taken in charge by the commissioners of emigration, to be by them appropriated for the sole benefit of said orphan children; and said commissioners shall give in their annual report to legislature a minute statement of all cases in which property shall come into their possession by virtue of this section and the disposition made of the same.

SEC. 11. The board of health of the city of New York may appoint any physician in their employ or in that of the commissioners of emigration to act as the agent of the board of health in all matters concerning the protection of the city against the introduction of contagious or infectious diseases.

SEC. 12. It shall be the duty of the superintendent of the marine or other hospital used for quarantine purposes to furnish to the board of health as often as may be required a full and correct report of all persons in the said hospital affected with any contagious or infectious disease, and of all such patients as may die or be discharged as cured; such report shall be countersigned by the agent of the board of health, and no persons who may be or who have been received as patients affected with contagious or infectious diseases or under treatment

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as such shall be discharged or removed from the marine or other hospital used for quarantine purposes without a permit in writing from the health officer.

SEC. 13. The commissioners of emigration shall receive into the marine or other hospital for quarantine purposes all alien passengers for whom bonds shall have been given or commutation paid under the several acts of this State relating to alien passengers arriving at the port of New York, or shall be affected with any contagious or infectious disease and sent to such hospital by the authority of the health officer. They shall defray the expenses of such patients out of the moneys by them received on account of bonds or commutation. They shall also receive and provide for all other patients or passengers who shall have landed from any vessel at the port of New York affected with any contagious or infectious disorder who shall be directed to be so received by the health officer or the board of health. They shall be entitled to receive for each person so admitted (other than aliens as above mentioned) at the rate of three dollars per week for their support and medical care, which shall be at the expense of the owner or consignee of any vessel in which such person shall have arrived and from which they shall have landed, and no vessel shall be permitted to leave quarantine until such expense shall have been paid or secured to be paid to the satisfaction of the commissioners of emigration or the officer duly authorized by them for such purpose.

SEC. 14. The health officer shall not by right of office have any other authority over the marine hospital or medical charge as physician thereof than as in this act provided.

SEC. 15. So much of the act concerning quarantine or regulations in the nature of quarantine at the port of New York, passed May 18, 1846, as requires that any person shall be admitted into the marine hospital who shall have paid hospital money during any temporary sickness within one year after such payment is hereby repealed.

SEC. 16. So much of the Revised Statutes in relation to the marine hospital and its funds and the several acts and amendments thereto, passed April 18, 1843, and May 7, 1843, as authorizes or requires the health commissioner to demand or receive hospital money from or on account of any master, mate, sailor, or passenger arriving in the port of New York is hereby repealed.

SEC. 17. There shall be nominated by the governor, and appointed by him with the consent of the senate, a "physician of marine hospital" and such number of assistants not less than four, to be respectively designated as "assistant physician of marine hospital," as the commissioners of emigration shall from time to time determine to be necessary for the proper care and medical treatment of the persons under their care at the marine or other hospital for quarantine purposes. The number of "assistant physicians of marine hospital" shall not be at any time increased, unless the commissioners of emigration shall make and file with the secretary of state a certificate that, in their judgment, an increased number should be appointed to meet the actual permanent demand for medical services at such hospital, a copy of which certificate shall be furnished to the governor of the State, and when any vacancy shall exist in the office of "physician of marine hospital" or "assistant physician of marine hospital," and the senate shall not be in session, such

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vacancy shall be filled by appointment, made by the governor, until the next meeting of the senate and the confirmation thereof or appointment of a successor.

SEC. 18. The physician of marine hospital shall have the superintendence and control of and shall make such regulations for the sanitary treatment of the patients in such marine or other hospital for quarantine purposes as may be found necessary, and prescribe therein the duties of the assistant physicians thereof, and shall take upon himself and assign to such assistants, respectively, the charge of such portions of such hospital as shall seem to him best adapted to secure the objects and purposes of such institution and the care and proper medical treatment of the inmates thereof, and the said commissioners may employ from time to time such additional medical assistants as the temporary wants of such hospital and the inmates thereof shall require.

SEC. 19. Each assistant physician of such marine or other hospital for quarantine purposes shall from time to time, as shall be necessary, select and appoint such and so many nurses and orderlies in the department of such hospital which shall have been assigned to or be under his supervision and care as shall be required for the proper care of the inmates of their respective departments, but the number of such nurses and orderlies shall be determined and controlled by the "physician of marine hospital," and the compensation of such nurses and orderlies, and of each of them, shall be fixed and determined by the commissioners of emigration.

SEC. 20. The "physician of marine hospital" shall have and receive an annual salary of five thousand dollars, to be paid quarterly, and each of the assistant physicians shall have and receive a salary of one thousand two hundred dollars per annum, to be paid quarterly or monthly, as the commissioners of emigration may determine, and in that ratio for any period of service of such physician or assistant; and all salaries and other compensation of such physicians and assistant physicians, and of all nurses, orderlies, and servants, or others necessarily employed in and about the business, care, and proper management of such marine or other hospital for quarantine purposes, shall be paid by the commissioners of emigration from and out of moneys collected upon the bonds hereinbefore required to be given by the owners or consignees of vessels arriving with and landing passengers at the port of New York, or from the commutation moneys paid upon or in lieu of such bonds, in accordance with the provisions of this act, and all the expenses of such marine or other hospital for quarantine purposes shall, as far as practicable, be defrayed by said commissioners out of and from the moneys and securities in this act specified; but nothing in this act contained shall be so construed as to authorize the payment of any salary or compensation for services rendered by said commissioners of emigration, or any of them.

SEC. 21. The penalties and forfeitures prescribed in and by this act may be sued for and recovered, with costs of suit, by and in the name of the said commissioners of emigration in any court having cognizance thereof, and when recovered shall be applied to the support of such marine or other hospital for quarantine purposes specified in this act. It shall be lawful for the said commissioners, before and after suit brought, to compound or commute for any of the said

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penalties or forfeitures upon such terms as they shall think proper; also to commute and compound with the owner or consignee of any ship or vessel for any such bond or bonds as are required in section 3 of this act to be given by such owner or consignee for such person or persons, passenger or passengers, as have been paupers in any other country, or whom from sickness or disease existing at the time of departure from the foreign port are or are likely to become a public charge, or who shall be sent to the marine or other hospital for quarantine purposes in accordance with the provisions of this act in consequence of sickness or disease existing at the time of departure from the foreign port, the commutation for said last-mentioned bond or bonds to be fixed by said commissioners at such sum as they shall deem just and equitable and sufficient to defray the necessary expenses consequent upon the care, support, and maintenance of the persons for whom such commutation shall be paid during the existence and continuance of their then sick or diseased state.

SEC. 22. This act shall take effect immediately.

Passed April 11, 1849, "three-fifths being present."

III.

[Laws of New York, 1849, ch. 37, p. 31.]

AN ACT To provide for the support of the marine hospital by transferring a portion of the commutation fund to that object.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of emigration are hereby authorized to transfer such portion of the commutation money collected pursuant to chapter 195 of the laws of 1847 as may be necessary to supply any deficiency already existing in the fund appropriated to the support of the marine hospital, or as may hereafter be necessary to the support of said hospital, which moneys so transferred shall be repaid to said commutation fund from the funds belonging to said hospital as soon as its means will permit; but nothing herein contained shall authorize the transfer of any moneys paid under protest, nor to an amount exceeding twenty thousand dollars, unless the governor, attorney-general, and comptroller, shall certify that in their opinion more is necessary for the object aforesaid, and in such certificate certify the amount; nor shall the whole amount so to be transferred, with or without such certificate, exceed thirty thousand dollars.

SEC. 2. This act shall take effect immediately.

Passed February 10, 1849.

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IV.

[Laws of New York, 1849, ch. 321, p. 463.]

AN ACT To amend an act entitled "An act for the protection of emigrants arriving in the State of New York," passed April 11, 1848.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The fourth section of the act entitled "An act for the protection of emigrants arriving in the State of New York" is amended so as to read as follows:

SEC. 4. No keeper of any emigrant boarding house shall have any lien upon the baggage or effects of any emigrant for boarding, lodging, storage, or any other account whatever for any greater sum than shall be due from such emigrant for boarding and lodging according to the rates or prices so posted as above provided; and upon complaint being made upon oath before the mayor or any police magistrate of the city in which such boarding house is located that the luggage or effects of any emigrant are detained by the keeper of any emigrant boarding house, under pretence of any lien upon such luggage or effects, or on any claim or demand against the owner or owners thereof, for any other or greater sum than in accordance with such rates, it shall be the duty of the officer before whom such complaint is made immediately to issue his warrant, directed to any constable or policeman of said city, commanding him or them to bring before him the party against whom such complaint has been made, and, upon conviction thereof, the officer before whom such conviction shall be had shall cause said goods to be forthwith restored to the owner thereof, and the party so convicted shall be punished by a fine not less than fifty dollars and not exceeding one hundred dollars, and shall be committed to the city prison until the said fine shall be paid and until such luggage or effects shall be delivered to such emigrants. Any person so convicted shall have the right of appealing from the decision of such mayor or magistrate to the same tribunals and in the same manner as is provided by law for appeals from the decisions of justices in civil cases, and all the provisions of law relating to appeals from justices shall apply, so far as applicable, to appeals from such mayor or other magistrate. But such appeal shall not authorize the detention of such luggage or effects after the payment of the sum which such mayor or magistrate shall adjudge to be justly due from such emigrant.

SEC. 2. Section 5 of the said act is hereby amended to read as follows:

SEC. 5. No person shall, in any city in this State, solicit emigrant passengers or their luggage for emigrant boarding houses, passenger offices, forwarding or transportation lines, without the license of the mayor of such city, for which he shall pay the sum of twenty dollars per annum and give satisfactory bonds to said mayor in the penal sum of three hundred dollars as security for his good behavior, nor shall any person not a native or naturalized citizen of the United States be so licensed. The said mayor may at any time revoke such license for good cause shown. Every person so licensed shall wear in a conspicuous place about his person a badge or plate of such character and in such manner as said mayor shall prescribe, with the words "licensed emigrant runner" inscribed thereon, with his name and the number of his license; no person who is not of approved good moral character shall be licensed as such runner. Every person who shall solicit alien emigrant passengers or others for the benefit of boarding houses, passenger offices, or forwarding lines upon any street, lane, alley, or upon any dock, pier, or public highway, or any other place within the corporate bounds of any city in this State, or upon any waters adjacent thereto, over which any of said cities may have jurisdiction without such license, shall be deemed guilty of a misdemeanor and shall be punished by imprisonment in the county prison or jail not less than three months nor exceeding one year. But this section shall not be so construed as to prohibit the proprietors of emigrant boarding houses from soliciting emigrant passengers on their own account without such license (if licensed as emigrant boarding house keepers), anything in section 2 to the contrary thereof notwithstanding.

Passed April 10, 1849.

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ACT OF 1850.

[Laws of New York, 1850, ch. 339, p. 737.]

AN ACT To amend the act entitled "An act concerning passengers in vessels coming to the city of New York," passed May 5, 1847, also to amend the act entitled "An act to amend certain acts concerning passengers coming to the city of New York," passed April 11, 1849.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The thirteenth section of the act entitled "An act concerning passengers in vessels coming to the city of New York," passed May 5, 1847, is hereby amended so as to read as follows:

Any ship or vessel whose master or commander, owner or owners, shall have incurred any penalty or forfeiture under this act or under the act of April 11, 1849, amending the same, entitled "An act to amend certain acts concerning passengers coming to the city of New York," shall be liable for such penalties or forfeitures which may be a lien upon such ship or vessel, and may be enforced and collected by warrant of attachments in the same manner as is provided in title 8 of chapter 8 of the third part of the Revised Statutes, all the provisions of which title shall apply to the forfeitures and penalties imposed by this act, and the said commissioners of emigration shall, for the purposes of such attachment, be deemed creditors of such ship or vessel and of her master or commander and owner or owners, respectively.

SEC. 2. The fifth section of the act entitled "An act to amend certain acts concerning passengers coming to the city of New York," passed April 11, 1849, is hereby amended so as to read as follows:

If any owner or consignee as aforesaid shall refuse or neglect to give any such bond or bonds as hereinbefore required, according to the second section of this act, for each person or passenger landing from his ship or vessel within three days after landing of such persons or passengers, or shall not within that time have paid the moneys authorized by said second section to be received in cases where such bonds are herein authorized to be commuted for, or shall refuse or neglect to give the bonds required by the third section of this act to be given in certain cases on the requirement of the mayor of the city of New York or other person discharging the duties of his office, made according to the provisions of said section, within six days after such requirement being so made, every such owner or consignee of such ship or vessel, severally and respectively, shall be subject to a penalty of five hundred dollars for each and every person or passenger on whose account such bond may have been required, or for whom such commutation money might have been paid under this act, such penalty to be sued for as provided for in the twelfth section of the said act hereby amended in every case where any fine, penalty, or forfeiture shall be incurred by the owner or owners, consignee or consignees, master or commander of any vessel arriving at the port of New York, under any of the provisions of the acts concerning passengers coming to the city of New York, passed 5th May, 1847, and of this act, by reason of their neglect or refusal to give the bonds, or any of them, required by law, the consignee of such passengers in relation to whom such neglect or refusal shall have occurred shall be liable in the same penalties and may be sued and recovered against in the same manner as is by law provided in relation to the owner or owners, consignee or consignees of the vessel.

SEC. 3. The fifth section of the aforesaid act, passed 5th May, 1847, and amended by the tenth section of the aforesaid act, passed April 11, 1849, is hereby further amended so as to read as follows:

In all cases in which minor children of alien passengers shall become orphans by their parents or last surviving parent dying on the passage to the port of New York or in the marine hospital or in another establishment under the charge of the commissioners, the personal property which such parents or parent may have had with them shall be taken in charge by the commissioners

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of emigration, to be by them appropriated for the sole benefit of said orphan children, and said commissioners shall give in their annual report to the legislature a minute statement of all cases in which property shall come into their possession by virtue of this section, and the disposition made of the same, unless it shall appear that there are other children or persons entitled, by will or otherwise, to such property or a distributive share thereof. Whenever it shall so appear, the portion only to which the said minor orphans would be legally entitled to shall be applied to their use, and the remainder shall be received, held, and distributed to the parties severally entitled thereto in the same manner and with the same authority as by law provided in respect to public administration.

Passed April 10, 1850.

ACT OF 1851.

[Laws of New York, 1851, ch. 523, p. 969.]

AN ACT To amend chapter 483 of the laws of 1847, chapter 350 of the laws of 1849, chapter 275 of the laws of 1850, and chapter 339 of the laws of 1850, acts concerning passengers coming to the city of New York and the public health.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The third section of chapter 339 of the laws of 1850 is hereby amended so as to read as follows:

(Whenever any alien emigrant whose personal property shall not exceed the value of twenty-five dollars shall die on the passage to the port of New York, or in the marine hospital, or in any other establishment under the charge of the commissioners, and) in all cases in which minor children of alien passengers shall become orphans by their parents or last surviving parent dying (as aforesaid), the personal property which such (alien emigrant, or such parent or parents may have had with them shall be taken in charge by the commissioners of emigration, to be by them appropriated for the sole benefit (of the next of kin of such alien emigrant or) of said orphan children; and said commissioners shall give, in their annual report to the legislature, a minute description of all cases in which property shall come into their possession by virtue of this section, and the disposition made of the same, unless it shall appear that there are other persons entitled by will or otherwise to such property or distributive share thereof. Whenever it shall so appear, the portion only to which the (next of kin or) said minor orphans would be legally entitled shall be (transferred to them or) applied to their use, and the remainder shall be received, held, and distributed to the parties severally entitled thereto in the same manner and with the same authority as by law provided in respect to (the public administrator of the city of New York, except that the said commissioners are hereby authorized to distribute the same after a notice for creditors to appear and put in their claims within one week from the publication of the said notice. The said notice shall be published once in one of the daily papers of the city of New York.)

SEC. 2. The third section of chapter 483 of the laws of 1847 is hereby amended so as to read as follows:

The commissioners of emigration, or any one or more of them, shall have and exercise the same powers and authority in relation to poor children, actually chargeable upon or receiving support from said commissioners, as are now by law conferred upon the governors of the alms house, by section seven, of chapter three hundred and twenty-four, of laws of eighteen hundred and fifty.

SEC. 3. The first section of an act entitled "An act concerning passengers in vessels coming to the city of New York," passed May 5, 1847, as the same was amended by the first section of an act entitled "An act to amend certain acts concerning passengers coming to the

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city of New York," passed April 11, 1849, is hereby further amended so as to read as follows:

Within twenty-four hours after the landing of any passengers from any ship or vessel arriving at the port of New York from any of the United States other than this State, or from any country out of the United States, the master or commander of the ship or vessel from which such passenger or passengers shall have been landed shall make a report in writing, on oath or affirmation, to the mayor of the city of New York, or in case of his absence or other inability to serve to the person discharging the duties of his office, which report shall state the name, place of birth, last legal residence, age, and occupation of every person or passenger who shall have landed from such ship or vessel on her last voyage to said port, not being a citizen of the United States, and who shall have, within the last twelve months, arrived from any country, out of the United States, at any place within the United States, and who shall not have paid the commutation money, or been bonded according to the provisions of this act or of the act hereby amended, or of the act of February 11, 1824, concerning passengers in vessels coming to the port of New York, nor paid commutation money under the provisions of this or any former act. The same report shall contain a like statement of all such persons or passengers aforesaid as shall have been landed, or been suffered to land from any such ship or vessel at any place during such last voyage, or who shall have been put on board, or suffered to go on board of any other ship, vessel, or boat, with the intention of proceeding to and landing at the said city of New York, or elsewhere, within the limits of this State. The said report shall further specify whether any of the said passengers, so reported, are lunatic, idiot, deaf, dumb, blind, infirm (maimed, or above the age of sixty years, also designating all such passengers as shall be under the age of thirteen, or widows having families, or women without husbands having families, with the names and ages of their families), and shall further specify particularly the names, last place of residence, and ages of all passengers who may have died during the said last voyage of such vessel, also the names and residences of the owner or owners of such vessel. In case any such master or commander shall omit or neglect to report as aforesaid, or shall make any false report, or statement in respect to any such person or passenger, or in respect to the owner or owners of any such vessel, or in respect to any of the particulars herein before specified, such master or commander shall forfeit the sum of seventy-five dollars for every such passenger, in regard to whom such omission or neglect shall have occurred, or any such false report or statement shall be made, for which the owner or owners, consignee or consignees, of every such ship or vessel shall also be liable, jointly and severally, and which may be sued for and recovered, as hereinafter provided.

SEC. 4. Section third of the said act, concerning passengers coming to the city of New York, passed May 5, 1847, as the same was amended by section three of the act to amend certain acts concerning passengers coming to the port of New York, passed April 11, 1849, is hereby further amended so as to read as follows:

It shall be the duty of the commissioners of emigration, hereafter named, to examine into the condition of passengers arriving at the port of New York in any ship or vessel, and for that purpose all or any of the said commissioners, or such other person or persons as they shall appoint, shall be authorized to go on board and through any such ship or vessel, and if, on such examination, there shall be found among such passengers any lunatic, idiot, deaf, dumb, blind (maimed), or infirm persons, or (persons above the age of sixty years, or widow with a child or children, or any woman without a husband and with a child or children, or any person unable to take care of himself or herself without becoming a public charge), or who, from attending circumstances, are likely to become a public charge, or who, from sickness or disease existing at the time of departure from the foreign port, are or are likely soon to become a public charge, they shall report the same to the said mayor particularly; and thereupon, and unless a bond as required in the second section of this act shall have been given, the said mayor or the person discharging the duties of his office shall require in the endorsement to be made as aforesaid, or in any subsequent endorsement or endorsements thereon, and in addition to the commuta-

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tion money, that the owner or consignee of such ship or vessel, with one or more sufficient sureties, shall execute a joint and several bond to the people of the State in a penalty of five hundred dollars for every such passenger, conditioned to indemnify and save harmless the commissioners of emigration and each and every city, town, or county within the State from any further cost or charge which said commissioners or any such city, town, or county shall incur for the maintenance or support of the person or persons named in such bond, or any of them, within (five) years from the date of such bond. The sureties to the said bonds shall be required to justify before and to the satisfaction of the officer making such endorsements such officer that they are respectively residents of the State of New York and worth double the amounts of the penalty of such bond over and above all debts, liabilities, and all property exempt from execution. The subsequent endorsement authorized in this section may be made at any time within (thirty) days after such examination or of the landing of any such person or passenger.

SEC. 5. The eighth section of chapter 350 of the laws of 1849 is hereby amended so as to read as follows:

The commissioners of emigration are authorized to employ and appoint (and dismiss at pleasure) a superintendent (physicians) and such other officers (nurses and orderlies) and such servants as they shall deem necessary for the management and care of the marine and other hospitals used for quarantine purposes, and to pay all needful expenses therefor out of the moneys under their control; but the moneys received under any of the provisions of this act as commutation money, or upon bonds given for or on account of any persons or passengers landing from vessels at the port of New York or elsewhere, shall not be applied or appropriated to any other purpose or use than to defray the expenses incurred for the care, support, or maintenance of such persons or passengers (nor shall such passengers be entitled to any aid from the commissioners of emigration after they shall have left the State of New York and been absent therefrom for more than one year). Nothing in this act contained shall be deemed to affect the authority of the board of health, nor the mode of appointment of the health officer, resident physician, or commissioner of health of the city of New York, or to prevent the health officer from selecting his own medical assistants (other than those of the marine hospital) for any duties required by law to be discharged by him or under his authority.

SEC. 6. Section 17 of chapter 350 of laws of 1849 is hereby amended so as to read as follows:

The commissioners of emigration are authorized to require the health officer to perform the duties of physician to the marine hospital; in which case he shall reside within the quarantine inclosure and perform the duties of physician to the marine hospital and all other duties appertaining to that office, and discharge the patients from the hospital without compensation therefor other than is now by law allowed him as health officer, and he shall not be entitled to demand or receive from the commissioners of emigration any pay or compensation whatever for services performed by him, except where a written contract to that effect shall have been entered into by them. He shall also perform the duties of superintendent without compensation, if so required by the commissioners of emigration, and (at and after the expiration of the term of the present health officer) he shall pay the wages of the boatmen whom they shall respectively employ, and the commissioners of emigration shall in no respect be liable therefor.

SEC. 7. Section 2 of chapter 350 of the laws of 1849, is hereby amended so as to read as follows:

It shall be the duty of the said mayor or other person discharging the duties of his office aforesaid, by an indorsement to be made on the said report, to require the owner or consignee of the ship or vessel from which such persons were landed, to give a several bond to the people of the State, in a penalty of three hundred dollars for each and every person or passenger included in such report, such bond being secured as hereinafter provided, and conditioned to indemnify and save harmless the commissioners of emigration and each and every city, town, or county in this State from any cost, which said commissioners or such city, town, or county shall incur for the relief or

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support of the person named in the bond, within five years from the date of such bond, and also to indemnify and refund to the said commissioners of immigration, any expense or charge they may necessarily incur for the support or medical care of the persons named therein, if received into the marine hospital or any other institution under their charge. Each and every bond shall be secured by two or more sufficient securities, being residents of the State of New York, each of whom shall prove by oath or otherwise, that he is owner of a freehold in the State of the value of three hundred dollars over and above all or any claim or lien thereon, or against him, including therein any contingent claim which may accrue from or upon any former bond given under the provisions of this act, or such bond may, at the option of the party be secured by mortgage of real estate, or by the pledge and transfer of public stock of the United States or of the State of New York, or of the city of New York, or by deposit of the amount of penalty in some bank or trust company; such security, real or personal, having been first approved by the said mayor. It shall be lawful for any owner or consignee at any time within twenty-four hours after the landing of such persons or passengers from any ship or vessel in the port of New York, except as in the section hereinafter provided, to commute for the bond or bonds so required, by paying to the health commissioners of the city of New York, the sum of one dollar and fifty cents for each and every passenger reported by him as by law required; the receipt of such sum by said health commissioners shall be deemed a full and sufficient discharge from the requirements of giving bonds as above provided. The said health commissioner is hereby required to pay over daily the said money with an account thereof to the chamberlain of the city of New York. But no owner or consignee shall be authorized to commute for the bond so required for any passenger arriving in the port of New York, between the 1st day of December and the 15th day of April, who may be sent to the marine hospital from shipboard by the health officer, or by the authority of the board of health of the city of New York on account of illness from ship fever. The commissioners of emigration shall have authority to commute especially for any bond in such cases at such rates and in such manner as shall appear to them equitable and proper. It shall be the duty of the health officer to report without delay to the commissioners of emigration the names of all passengers sent by his order during the above-mentioned period from shipboard to the marine hospital on account of illness from ship fever. For the duties performed by the health commissioner and named in this section, he shall be paid by the commissioners of emigration at the rate of seventeen hundred and fifty dollars per annum, and he shall be paid the remainder of his salary by the mayor, aldermen, and commonalty of the city of New York. And at and after the expiration of the term of the present health commissioner it shall be lawful for the commissioners of emigration to select for the performance of the duties named in this section and now performed by the commissioner of health, either the mayor of the city of New York, or the chamberlain of said city, or the health commissioner, and the compensation for the performance of said duties shall be so much as such officers so selected and the commissioners of emigration may agree upon, and thereafter the salary of the health commissioner shall be fixed by the mayor, aldermen, and commonalty of the city of New York, and paid from the treasury of said city.

SEC. 8. The commissioners of emigration are hereby authorized and empowered, by and with the consent and approval of the governor, comptroller, and attorney general, to sell or exchange, and give conveyances for any lands or any portion thereof, which have been or may hereafter be purchased by them as such commissioners.

SEC. 9. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 10. The provisions of this act so far as it relates to the abolition of the office and duties of the physicians to the marine hospital shall not take effect until the 1st day of January next.

SEC. 11. This act shall take effect immediately.

Passed July 11, 1851.

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ACTS OF 1853.

I.

[Laws of New York, 1853, ch. 224, p. 430.]

AN ACT To amend the several acts relating to the powers and duties of the commissioners of emigration and for the regulation of the marine hospital.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The time allowed by the second section of chapter 339 of the laws of 1850 to any owner or owners, consignee or consignees, of any ship or vessel bringing emigrants or passengers to the city of New York for giving the bond or bonds first mentioned in said section, or paying the money, also therein mentioned, shall henceforth be twenty-four hours instead of three days from the landing of said passengers; and the time allowed by the said section to the said owner or owners, consignee or consignees, of any such ship or vessel for giving other bond or bonds mentioned in said section shall be twenty-four hours instead of six days from the making of the requirement for such last-mentioned bond or bonds.

SEC. 2. The said commissioners of emigration are and each of them is hereby vested with the same powers in regard to the administering oaths of office to employees and to the binding out of children, with consent of parents or next of kin, actually chargeable upon them, and also in regard to persons in the institution, or any of them under the charge of said commissioners, for the prevention or punishment of an infraction or violation of the rules or orders and regulations of such commissioners or their officers in regard to such institutions as are possessed by the governors of the almshouse in the city of New York, or any of them, for the same purposes.

SEC. 3. The commissioners of emigration shall annually on or before the first day of February in each year report to the legislature the amount of moneys received under the provisions of this act during the preceding year, and the manner in which the same have been appropriated, stating particularly in detail the sum of each appropriation and the purposes for which the same have been made.

SEC. 4. The office of physician of marine hospital, as constituted by section 17 of chapter 350 of the laws of 1849, is hereby restored, together with the duties and compensation of the same as specified in sections 18 and 20 of said chapter 350 of the laws of 1849.

SEC. 5. The physician of marine hospital shall have power to select and appoint, subject to the approval of the commissioners of emigration, such and so many assistant physicians, graduates in medicine, as may be found necessary for the proper medical treatment of the inmates of the marine hospital, and to suspend or remove any of the same; but the number and rate of pay of said assistants, physicians, shall be regulated and determined by the commissioners of emigration. The physician of marine hospital shall have power to select, appoint, and dismiss at pleasure such and so many nurses and orderlies for the departments of such marine hospital as he may deem requisite for the proper care of the inmates thereof; and the commis-

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sioners of emigration shall regulate and determine the rate of pay of the nurses and orderlies employed at the marine hospital.

SEC. 6. All discharges of patients from the marine hospital shall be in writing and by the physician of the marine hospital, who shall be responsible for the same, and who is hereby expressly prohibited from discharging any patient sent to the marine hospital and affected with any contagious or infectious disease until such patient shall be cured of such disease; and the said physician of marine hospital shall receive into the marine hospital all cases of contagious, infectious, and pestilential disease which may be sent thither by the health officer or under the authority of the board of health of the city of New York, except itch and syphilis, which shall not be construed as diseases entitling those suffering from them to be admitted as patients into the marine hospital.

SEC. 7. All officers and employees of the marine hospital, except chaplains, shall be required to reside within the quarantine enclosure, and the commissioners of emigration are hereby directed to provide suitable accommodations for the same.

SEC. 8. The power granted to the health officer by an act entitled "An act relative to the public health in the city of New York," passed April 10, 1850, in so far as relates to the arrest and detention of persons eloping from the marine hospital, or persons invading the quarantine grounds, is hereby granted to the physician of marine hospital for the purpose of enabling him to maintain the marine hospital as a quarantine establishment; and the said physician of marine hospital is authorized and required to prescribe rules for regulating intercourse with the hospital and its inmates, and he is expressly prohibited from admitting visitors at all when, in his judgment, there may be danger of their communicating disease without the precincts of the quarantine grounds.

SEC. 9. The physician of marine hospital shall present to the legislature annually, on or before the first of March, a report of the general condition of the hospital under his charge, with the statistics of the institution in detail, and such other information and suggestions in regard to the same as he may deem advisable, and testify the same by his affidavit; he shall also furnish to the board of health of the city of New York and to the commissioners of emigration, whenever required by them so to do, an official return of the numbers and diseases of the patients in the marine hospital.

SEC. 10. The health officer shall have no authority or control over the marine hospital, nor any charge or care of the sick inmates or employees of the institutions; he shall at all times, however, have free access to the several wards, with the privilege of examining the condition of the sick inmates or employees of the institution; he shall at all times, however, have free access to the several wards, with the privilege of examining the condition of the sick sent to the hospital under his authority for the purpose of enabling him to judge as to the necessity for detaining the vessels from which said sick may have been landed; but nothing in this act shall be construed so as to interfere with the rights, duties, and powers of the health officer in regard to existing provisions of law, in so far as his control and authority over vessels and quarantine regulations upon the water may be concerned.

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SEC. 11. The commissioners of emigration shall remove from the marine hospital and take charge of all emigrants whose quarantine has expired and who shall have sufficiently recovered from the diseases with which they were admitted, on the notification in writing of the physician of marine hospital, that such removal will not, with ordinary care, endanger the safety of the individual or the health of the community.

SEC. 12. The physician of marine hospital shall discharge the duties of superintendent of marine hospital under the commissioners of emigration and without further pecuniary compensation than that allowed him as physician.

SEC. 13. The amount for which the master, owner or owners, consignee or consignees of any such ship or vessel may commute for any bond or bonds authorized or required by or pursuant to the seventh section of chapter 523 of the laws of 1851 shall, from and after the passage of this act, be two dollars for each and every such passenger, instead of one dollar and fifty cents, as now provided by law; and fifty cents of the amount commuted for any passenger or passengers shall be set aside as a separate fund for the benefit of each and every county in this State, except the county of New York. The commissioners of emigration shall deposit the moneys of said fund so set apart in any bank that the said commissioners may select, and the same, or as much of it as may be necessary, shall be distributed to the several counties, except the county of New York, once in every three months, and the balance that may be left after such three months' payment shall be paid over to the commissioners of emigration for general purposes.

SEC. 14. All acts and parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

SEC. 15. This act shall take effect immediately.

Passed April 13, 1853, "three-fifths being present."

II.

[New York Laws, 1853, ch. 218, p. 415.]

AN ACT For the protection of emigrant passengers arriving at the city of New York.

The people of the State of New York, represented in the senate and assembly, do enact as follows:

SECTION 1. The owner or owners, consignee or consignees, master, commander, or person having charge of any ship or vessel arriving at the port of New York with passengers emigrating to the United States shall land all such passengers on some one of the public wharves of the city of New York, excepting, however, such wharves as are owned or rented by or are under the control of any steamboat or railroad or forwarding company or line.

SEC. 2. No owner or owners, consignee or consignees, master, commander, or person having charge of any such ship or vessel shall order, permit, or allow any such passengers to be taken or removed from such ship or vessel, at quarantine or elsewhere, excepting for the purposes of the quarantine regulations as to health, or shall give orders or permit or allow any runner or person on behalf or con-

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nected with any steamboat, railroad, or forwarding company or line, or emigrant boarding house, to solicit or book any such passengers or to enter to go on board such ship or vessel prior to the landing of such passengers as is provided for in the first section of this act.

SEC. 3. The first and second sections of this act shall apply to the owner or owners, consignee or consignees, master, commander, or persons having charge of any steamboat or other vessel employed for the purpose of conveying any passengers from quarantine.

SEC. 4. Any consignee or consignees, master, commander, or person having charge of any ship, steamboat, or vessel, who shall violate any of the provisions of this act, and the owner or owners of such ship, steamboat, or vessel, severally and respectively, shall be subject to a penalty of five hundred dollars for each and every violation of any of the provisions of this act, to be sued for and recovered with costs of suit by and in the name of the commissioners of emigration in any court having cognizance thereof; and, when recovered, one-half of said recovery shall be paid to the person furnishing information and evidence of such violation, and the remainder of such recovery shall be applied and used by said commissioners of emigration for the purposes for which said commissioners are constituted.

SEC. 5. Any ship, steamboat, or vessel whose master, commander, owner, or owners shall have incurred any penalty or forfeiture under the provisions of this act shall be liable for such penalties or forfeitures, which shall be a lien upon such ship or vessel and may be enforced or collected by warrant or attachment, in the same manner as is provided in title eight of the third part of the Revised Statutes, all the provisions of which title shall apply to the forfeitures and penalties imposed by this act; and the said commissioners of emigration shall, for the purpose of such attachment, be deemed creditors of such ship, steamboat, or vessel, and of her master or commander and owner or owners, respectively.

SEC. 6. Nothing in this act contained shall be construed to prevent the landing of such emigrant passengers from steamboats or other vessels, in the manner provided in the first section of this act, in any case where the ship or vessel from which such passengers are taken shall be unable to come to any such public wharf, provided such steamboat or other vessel shall be employed at their own expense by the owner, consignee, master, or person having charge of the ship or vessel from which such passengers are taken, for the purpose of landing the same, in consequence of their inability to bring such ship or vessel to said public wharf; and the provisions of the second section of this act shall apply to such steamboat or other vessel so employed.

SEC. 7. Any person who shall sell, or cause to be sold, a passage ticket, or order for such ticket, to any emigrant passenger at a higher rate than one and a quarter cents per mile, or shall take pay for any ticket, or order for a ticket, under any false representation as to the class of said ticket, whether emigrant or first class, shall, upon conviction, be deemed guilty of a misdemeanor, and be punished by a fine of two hundred and fifty dollars and imprisonment in the county jail for not less than sixty days.

SEC. 8. Any person who shall, directly or indirectly, by means of false representations, purchase or receive from any emigrant pas-

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senger any passage ticket, or who shall procure or solicit any such passenger having a passage ticket to exchange the same for any other passage ticket, or to sell the same and purchase some other passage ticket, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine and imprisonment.

SEC. 9. Any person who shall sell or dispose of any ticket or order for ticket or tickets at a price or for a consideration beyond the highest price advertised for tickets by the company advertising at the highest price, published according to the provisions of this act or any other law, shall be, upon conviction thereof in any of the courts of this State, deemed guilty of a misdemeanor and imprisoned therefor in one of the prisons of this State for a term of not exceeding two years.

SEC. 10. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 11. This act shall take effect immediately.

Passed April 13, 1853.

III.

[Laws of New York, 1853, ch. 619, p. 1174.]

AN ACT To amend the act for the protection of emigrant passengers arriving at the city of New York, passed April 13, 1853.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. Any runner or person acting for himself, or for and on behalf of or connected with any steamboat, railroad, or forwarding company, or emigrant boarding house, who shall solicit or book any passengers emigrating to the United States, and arriving at the port of New York, before such passenger shall have left the vessel in which he has so arrived, or who shall enter or go on board any ship or vessel so arriving with emigrant passengers prior to the landing of such passengers therefrom, and also any person, company, or corporation having employed such person for the purpose of soliciting and booking such passengers prior to their leaving the vessel in which they may arrive, shall be severally subject to a penalty of one hundred dollars for each offence, to be sued for and recovered in the same manner and subject to the same provisions of law as enacted in respect to other penalties imposed by the several acts regulating the powers and duties of the commissioners of emigration. Any person violating the provisions of this section may also be indicted for a misdemeanor, which violation shall be held and taken to be a misdemeanor, and he shall, on conviction, be punished by fine not exceeding one hundred dollars or imprisonment for sixty days.

SEC. 2. In any case of violation of the provisions of this act, or of the act hereby amended, whenever it shall be made to appear to any court having jurisdiction thereof, upon satisfactory evidence, that such violation was not intentionally committed, or with a view to the profit of the person committing the same, or for or on behalf of some owner, consignee, or other person, nor by any culpable negligence, it shall then be lawful for the said court to remit or compound the penalty for such violation on such terms as may, in their judgment, be just and equitable to all persons interested in this matter.

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SEC. 3. The second section of the act entitled "An act for the protection of emigrant passengers arriving at the city of New York," passed April 13, 1853, shall be amended so as to read as follows:

SEC. 2. No owner or owners, consignee or consignees, master, commander, or person having charge of any such ship or vessel, shall order any such passengers to be taken or removed from such ship or vessel, at quarantine or elsewhere, excepting for the purpose of quarantine regulations as to health, or shall give orders, or permit, or allow any runner or person on behalf of or connected with any steamboat, railroad, or forwarding company or line, or emigrant boarding house, to solicit or book any such passengers, or to enter or go on board such ship or vessel prior to the landing of such passenger, as is provided for in the first section of this act.

SEC. 4. Nothing in this act, or the act hereby amended, shall be taken or construed to prevent any passenger arriving at the port of New York, and not detained under the authority of the laws for the preservation of public health, from leaving the vessel in which he so arrived whenever and in any way he shall prefer, upon his personal request or demand so to do to the commander of such vessel.

SEC. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 6. This act shall take effect immediately.

Passed July 21, 1853.

RESOLUTION OF 1854.

[New York State Laws, 1854, p. 1105.]

IN ASSEMBLY, *January 6, 1854.*

JOINT RESOLUTION Calling the attention of Congress to the sufferings of passengers transported in emigrant vessels.

Whereas during the last twelve months great and increasing mortality has occurred on board of vessels engaged in the business of carrying emigrants to various ports of the United States, and undoubted evidence exists that such suffering and death results from insufficient ventilation; and

Whereas the existing laws are inadequate to secure the emigrants from these calamities: Therefore

Resolved (*if the senate concur*), That we respectfully ask the Congress of the United States to investigate this important subject and enact such laws as may be necessary to secure the health of passengers on emigrant vessels.

Resolved, That the foregoing preamble and resolution, duly authenticated, be forwarded to our Senators and Representatives in Congress.

By order:

R. U. SHERMAN, *Clerk.*

IN SENATE, *January 23, 1854.*

Resolved, That the senate do concur in the passage of the foregoing resolutions.

By order:

H. J. HASTING, *Clerk.*

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ACTS OF 1855.

I.

[New York State Laws, 1855, ch. 426, p. 780.]

AN ACT To amend "An act concerning passengers in vessels coming to the city of New York," passed May 5, 1847.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The persons hereafter becoming chargeable upon any city, town, or county within this State for the payment of any expense, of whose maintenance and support incurred by any such city, town, or county it is made the duty of the commissioners of emigration to provide by the "Act concerning passengers in vessels coming to the city of New York," passed May 5, 1847, or any act amendatory thereof, shall be deemed and taken to include all persons otherwise within the description and provisions of such act or acts who are and shall become the inmates of any almshouses, lunatic asylum, workhouse, hospital, nursery, house of refuge, asylum for juvenile delinquents, house of correction, penitentiary, jail, bridewell, or prison, under commitment, sentence, or conviction, by an officer or officers, court, or magistrate, under any law of this State, as vagrants or disorderly persons.

SEC. 2. This act shall take effect immediately.

Passed April 13, 1855.

II.

[Laws of New York, 1855, ch. 474, p. 850.]

AN ACT For the protection of immigrants, second class, steerage, and deck passengers.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of all companies, associations, and all persons hereafter undertaking to transport or convey, or engaged in transporting or conveying, by railroad, steamboat, canal boat, or propeller, any immigrant, second class, steerage, or deck passenger, from the city, bay, or harbor of New York to any point or place distant more than ten miles therefrom, or from the cities of Albany, Troy, and Buffalo, the town or harbor of Dunkirk, or the Suspension Bridge, to any other place or places, to deliver to the mayors of the city of New York, Albany, Troy, and Buffalo, on or before the first day of April in each and every year, a written or printed statement of the price or rates of fare to be charged by such company, association, or person for the conveyance of such immigrant, second class, steerage, and deck passengers, respectively, and the price per hundred pounds for the carriage of the luggage, and the weight of luggage to be carried free of such passengers from and to each and every place from and to which any such company, association, or person shall undertake to transport and convey such passengers;

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and such prices or rates shall not exceed the prices and rates charged by the company, association, or person after the time of delivering such statement to the said mayors; and such statement shall also contain a particular description of the mode and route by which such passengers are to be transported and conveyed, specifying whether it is to be by railroad, steamboat, canal boat, or propeller, and what part of the route is by each, and also the class of passage, whether by immigrant trains, second class, steerage, or deck passage. In case such companies, association, or person shall desire thereafter to make any change or alteration in the rates or prices of such transportation and conveyance, they shall deliver to the said mayors, respectively, a similar statement of the prices and rates as altered and changed by them; but the rates and prices so changed and altered shall not be charged or received until five days after the delivery of the statement thereof to the said mayors, respectively.

SEC. 2. Every ticket, receipt, or certificate which shall be made or issued by any company, association, or person for the conveyance of any immigrant, second class, steerage, or deck passengers, or as evidence of their having paid for a passage, or being entitled to be conveyed from either or any of the points or places in the first section of this act mentioned to any other place or places, shall contain or have indorsed thereon a printed statement of the names of the particular railroad or railroads, and of the line or lines of steamboats, canal boats, and propellers, or of the particular boats or propellers, as the case may be, which are to be used in the transportation and conveyance of such passengers, and also the price or rate of fare charged or received for the transportation and conveyance of any such passenger or passengers with his or their luggage.

SEC. 3. It shall not be lawful for any person or persons to demand or receive or bargain for the receipt of any greater or higher price or rate of fare for the transportation and conveyance of any such immigrant, second class, steerage, or deck passengers with their luggage, or either, from either or any of the points or places in the first section of this act mentioned to any other point or place than the prices or rates contained in the statements which shall be delivered to the mayors of the cities of New York, Albany, Troy, and Buffalo, and said commissioners, respectively, as in the said first section provided for, or the price or rates which shall be established and fixed for the transportation and conveyance of such passengers and their luggage, or either, by the proprietors or agents of the line or lines or means of conveyance by which such passenger or passengers and their luggage are to be transported or conveyed. In all cases each immigrant over four years of age conveyed by railroad shall be furnished with a seat with permanent back to the same, and when conveyed by steamboat, propeller, or canal boat, shall be allowed at least two and one-half feet square in the clear on deck. Such deck shall be covered and made water-tight overhead, and shall be properly protected at the outsides, either by curtains or partitions, and shall be properly ventilated.

SEC. 4. Any company, association, person, or persons violating or neglecting to comply with any of the provisions of the first or second sections of this act shall be liable to a penalty of two hundred and fifty dollars for each and every offence, to be sued for and recovered in

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the name of the people of this State, and every person violating any of the provisions of the third section of this act shall be deemed guilty of a misdemeanor, and on conviction thereof the person offending may be punished by a fine of two hundred and fifty dollars or by imprisonment not exeeeding one year, or by both fine and imprisonment, in the discretion of the court; one half of which fines when recovered shall be paid to the informer and the other half into the county treasury where the action shall be tried or the conviction had.

SEC. 5. It shall be the duty of every magistrate who shall issue a warrant for the apprehension of any person or persons for violating the provisions of the third section of this act, within twenty-four hours after such person or persons shall have been taken and brought before him, to take the testimony of any witness who may be offered to prove the offence charged in the presence of the accused, who may, in person or by counsel, cross-examine such witness. The testimony so taken shall be signed by the witness and be certified by the magistrate, and in case such magistrate shall commit the accused to answer the charge he shall immediately thereafter file the testimony so taken with the district attorney of the county in which the offence was committed, to be used on the trial of or any further proceedings against the accused, and the testimony so taken shall be deemed valid and competent for that purpose and be read and used with the like effect as if such witness were orally examined on such trial or proceedings. After the testimony of any witness shall be so taken he shall not be detained nor be imprisoned or compelled to give any recognizance for his future appearance as a witness on any trial or proceeding thereafter to be had in the premises.

SEC. 6. The commissioners of emigration shall, from time to time, designate some one place in the city of New York as they shall deem proper for the landing of emigrant passengers, and it shall be lawful for such passengers to be landed at such place so designated by the commissioners of emigration.

SEC. 7. The commissioners of emigration shall have authority to purchase, lease, construct, and occupy such wharves, piers, and other accommodations in the city of New York as may be necessary for the accommodation of emigrant passengers for the purposes mentioned in the last preceding section.

SEC. 8. Whenever the health officer shall give notice in writing to the owner or owners, consignee or consignees, master, commander, or persons having charge of any vessel having emigrant passengers on board such vessel, to land such passengers at any pier or place in the city of New York designated specially by the commissioners of emigration for the landing of emigrant passengers, it shall not be lawful to land such passengers at any other pier or place, and the owners and master of any vessel from which passengers shall be landed in violation of the provisions of this section shall be subjected to a penalty of five hundred dollars for each and every violation thereof, to be sued for and recovered, with costs of suit, in the name of the commissioners of emigration, in any court having cognizance thereof; the said penalty when recovered to be applied and used by the said commissioners for the purposes for which said commissioners are constituted.

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SEC. 9. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 10. This act shall take effect immediately.

Passed April 13, 1855, three-fifths being present.

ACTS OF 1857.

I.

[Laws of New York, 1857, ch. 673, p. 494.]

AN ACT In regard to expenses of emigrants, and to appropriate certain moneys to the use of the commissioners of emigration.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The payment by the commissioners of emigration of the amounts payable or coming to any of the cities, towns, or counties of this State for any moneys paid out or expenses incurred previously to the first day of May next by any of them for the support or maintenance of any emigrant passengers who may have arrived at the port of New York, and who, or on whose account a bond may have been given or commutation under and pursuant to chapter 195 of the laws of 1847, or of any laws amendatory thereof, or in addition thereto, may be made by said commissioners at any time within three years from the said first day of May, and not before, unless the said commissioners shall be in funds applicable thereto. In the payment of said claims the said commissioners shall allow and pay to the said cities, towns, and counties interest upon the amounts severally due them: *Provided always*, That nothing herein contained shall postpone the payment to such cities, towns, and counties, respectively, of the moneys which may have been appropriated for the reimbursement of said cities, towns, and counties, respectively, by an act entitled "An act for the removal of the quarantine station," passed March 6, 1857, whenever such moneys may be realized: *And provided also*, That the said sum of fifty cents mentioned in the thirteenth section of chapter 224 of the laws of 1853 shall be paid and distributed as provided in said act.

SEC. 2. There shall be loaned to the commissioners of emigration, out of any money in the treasury not otherwise appropriated, the sum of thirty thousand dollars, or so much thereof as may be necessary, to repay and make up any overdraft made by the said commissioners for the support of the institution at Ward's Island, and marine hospital, on the presentation of satisfactory vouchers thereof to the comptroller: *Provided*, That the said commissioners of emigration shall enter into a contract in writing with the comptroller to repay the State out of their commutation fund the sum so to be loaned, within one year from the time when such loan shall be made; whereupon the treasurer shall pay the sum aforesaid to the commissioners of emigration on the warrant of the comptroller, and the comptroller is hereby directed to draw his warrant therefor.

SEC. 3. The sum of thirty thousand dollars is hereby appropriated for the purpose of this act.

SEC. 4. This act shall take effect immediately.

Passed April 16, 1857, three-fifths being present.

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II.

[Laws of New York, 1857, vol. 2, ch. 579, p. 240.]

AN ACT For the protection of emigrants and to amend chapter 219 of the laws of 1848 and chapter 474 of the laws of 1855.

The people of the State of New York, represented in senate and assembly, so enact as follows:

SECTION 1. The commissioners of emigration are hereby authorized and required to grant and issue licenses, and the same from time to time, in their discretion, to suspend, revoke, or annul, to the owner or captain of any steamboat, steamtug, propeller, or barge, used or engaged, or to be used or engaged, for the purpose, in whole or in part, of the removing, taking off, or conveying or transporting to any dock or pier in the city of New York, emigrant passengers, or their baggage, arriving at and being in any part of the port of New York, within this State, from the ship or vessel in which such emigrant passengers or their luggage shall have arrived at such part of said port: *Provided always*, That such licenses shall not be suspended, revoked, or annulled except for cause, after opportunity for the party complained of to be heard.

SEC. 2. It shall not be lawful for any steamboat, steamtug, propeller, barge, or other boat or vessel, or the owner or captain, or person having charge of the same, to go or be taken alongside of any ship or vessel having such passengers on board, being within this State, with the intent or for the purpose of removing, taking off, conveying, or transporting, or to remove, take off, convey, or transport, any of such passengers, or the baggage of any such passengers, from such ship or vessel, being in this State, to any dock in the city of New York or Brooklyn, unless the license mentioned in the first section of this act shall have been granted and issued to the then owner or then captain of such steamboat, steamtug, propeller, barge, or other boat or vessel, and be then existing and not suspended, revoked, or annulled.

SEC. 3. The owner and owners, jointly and severally, and the captain or person having charge of any steamboat, steam tug, propeller, barge, or other boat or vessel violating the provisions of the second section of this act, or any of them, shall be liable to a penalty of five hundred dollars for each and every violation thereof; and in case any of such passengers, or the baggage of any of them, shall be taken off or removed from such ship or vessel, so being within this State, in or by any steamboat, steam tug, propeller, barge, boat, or other vessel without the license aforesaid, with the intent or for the purpose mentioned in said second section of this act, or in violation of any of its provisions, except in case of shipwreck or imminent danger thereof, the owner or owners, joint and severally, and the captain or person having charge thereof shall, in addition to the above penalty, be also liable to a further penalty of fifty dollars for each and every passenger and for the baggage of each and every passenger so taken off or conveyed from such ship or vessel; which penalties shall be deemed and be forthwith a lien on such steamboat, steam tug, propeller, barge, boat, or other vessel, and may be, immediately upon such violation, sued for, enforced, and recovered by and in the name of the commissioners of emigration, either by an

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action in any court having jurisdiction thereof, or by an attachment under and pursuant to article 1 of title 8 of chapter 8 of first part of the Revised Statutes, for which purpose the said commissioners shall forthwith be deemed to be, and be, creditors of such steamboat, steam tug, propeller, barge, boat, or vessel, and have direct lien thereon.

SEC. 4. Section 5 of chapter 219 of the laws of 1884 is hereby amended so as to read as follows:

No person shall, in any city of this State, solicit emigrant passengers or their luggage for emigrant boarding houses, passenger offices, forwarding transportation lines, or for steamers, ships, or vessels bound or about to proceed to any port not within this State; or for any person or for any company selling, or offering for sale, passage tickets, or contracting or offering to contract for passage in any such steamer, ship, or vessel without a license for that purpose, which shall expire at the end of one year from its date; such license may be issued and revoked in the discretion of the mayor of the city where such license may have been granted, except in the city of New York, in which such license may be issued or revoked only by and in the discretion of the commissioners of emigration for cause as hereinbefore provided. Such person receiving such license shall pay the sum of twenty dollars and give a bond, with two sufficient sureties, in the penalty of five hundred dollars, conditioned for the good behavior and the observance by him of the provisions of this act, to the mayor of the city issuing the same or to the commissioners of emigration, as the case may be. The money thus received or collected on said bonds shall be for the benefit of said city or of the emigrant fund. Every person so licensed shall wear in a conspicuous place about his person a badge or plate, of such character and in such time and manner as said mayor or, in the city of New York, as such commissioners shall prescribe, with the words "Licensed emigrant runner" inscribed thereon, with his name and the number of his license. No person who is not of approved good moral character shall be licensed as such runner. Every person who shall solicit alien emigrant passengers or others for the benefit of boarding houses, passenger offices, or forwarding or transportation lines, or for any steamer, ship, or vessel bound or about to proceed to any port not within the State of New York, or for any person or company selling or offering for sale passage tickets or contracting or offering to contract for passage in any such steamship or vessel, upon any street, lane, alley, or upon any dock, pier, or public highway, or any other place within the corporate bounds of any city in this State, or upon any waters adjacent thereto over which any of said cities may have jurisdiction, without such license shall be deemed guilty of a misdemeanor and shall be punished by imprisonment in the county prison or jail not less than three months nor exceeding one year.

The bonds mentioned in the foregoing sections may be sued by and in the name of the mayor of the city in which such license may have been issued, and in the city of New York by and in the name of the commissioners of emigration, in any court having cognizance thereof, and in case of a breach the said mayor or the said commissioners shall recover the full penalty of said bond.

SEC. 5. All personal baggage of emigrant passengers arriving at the port of and destined for the city of New York shall be landed at the place or pier designated as the landing place in said city for emigrant passengers; and the captain, owner, and consignees of every ship or vessel arriving at said port with emigrant passengers destined for said city shall be jointly and severally subject and liable to a penalty of fifty dollars for each and every emigrant passenger or his personal baggage landed at any place or pier other than the place or pier aforesaid, which penalty shall be a lien upon such ship or vessel and may be enforced and recovered by and in the name of the commissioners of emigration, either by an action or by and in the name of the commissioners of emigration, either by an action or by warrant of attachment, under and pursuant to article 1 of title 8 of chapter 8 of the first part of the Revised Statutes.

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SEC. 6. Section 8 of chapter 474 of the laws of 1855 is hereby amended so as to read as follows:

The health officer shall give notice, in writing, to the owner or owners, consignee or consignees, master, commander, or person having charge of every vessel having emigrant passengers on board of such vessel, destined for the city of New York, to land such passengers and their personal baggage at such pier or place in the said city of New York as has been or may at any time be designated specially by the commissioners of emigration for the landing of emigrant passengers and their personal baggage; and it shall not be lawful to land such passengers or their personal baggage at any other pier or place; and the owner or master of any vessel from which passengers or their personal baggage shall be landed in violation of the provisions of this section shall be subject to a penalty of fifty dollars for each and every person or his baggage so landed in violation thereof, which penalty shall be forthwith a lien on such ship or vessel and may be immediately, upon such violation, sued for, enforced, and recovered, with costs of suit, in the name of and by the commissioners of emigration, either by an action in any court having cognizance thereof, or by attachment under and pursuant to article 1 of title 8, chapter 8, of the first part of the Revised Statutes, for which purpose the said commissioners of emigration shall forthwith be creditors of such ship or vessel and have a direct lien on such ship or vessel for said penalty; the said penalty, when recovered, to be applied and used by the said commissioners for the purposes for which said commissioners are constituted.

SEC. 7. Nothing in this act contained shall be so construed as to alter, impair, or modify the existing laws and regulations regarding quarantine or concerning the power given to and duties imposed upon the health officer of the port of New York for the protection of the public health.

SEC. 8. This act shall take effect immediately.

Passed April 16, 1857, three-fifths being present.

ACT OF 1864.

[New York State Laws, 1864, ch. 387, p. 885.]

AN ACT In relation to the commissioners of emigration.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of emigration are hereby authorized and required to sell at public auction to the highest bidder all unclaimed baggage, goods, or other personal property of emigrant passengers arriving in vessels at the port of New York one year after the same shall have come into their possession, provided the sale shall be advertised, with a full description of said baggage, goods, or other personal property, together with the time and place of said sale, for the period of four weeks in at least two daily newspapers published in the city of New York, and the cost of such advertising and sale and the necessary expenses incident thereto shall be a lien on such baggage, goods, or other personal property. The proceeds of such sales, after deducting the costs and expenses as aforesaid, shall be deposited in the New York Life and Trust Company, subject to the claim of the rightful owner, for the term of two years, and after then shall be applied to the legitimate uses of the commissioners of emigration, less the costs and expenses.

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SEC. 2. No provision of law inconsistent with this act shall affect the provisions hereof.

SEC. 3. This act shall take effect immediately.

Passed April 25, 1864, three-fifths being present.

ACT OF 1865.

[New York State Laws, 1865, ch. 382, p. 717.]

AN ACT To amend an act entitled "An act concerning passengers in vessels coming to the city of New York," passed May 5, 1847.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of emigration, or any one or more of them, shall have and exercise the same powers and authority in relation to poor children and in relation to children born or likely to be born bastards (where the mothers of such children born or likely to be born bastards are chargeable to or receiving or entitled to receive support or aid from said commissioners), as are now by law conferred upon commissioners of public charities and correction, or were heretofore conferred upon or possessed by the governors or commissioners of the almshouse of the city of New York, or the commissioners of the almshouse and Bridwell of the city of New York.

SEC. 2. This act shall take effect immediately.

Passed April 12, 1865, three-fifths being present.

ACT OF 1866.

[New York State Laws, 1866, ch. 737, p. 1577.]

AN ACT For the better protection of sick and infirm indigent passengers arriving at the port of New York.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of all captains, owners, agents, and consignees of all ships or vessels arriving at the port of New York having as a passenger any lunatic, idiot, deaf, dumb, blind, maimed, infirm, or sick indigent person, or person above the age of sixty years, to keep, provide, and care for such person in a proper manner on board of such ship or vessel, at the expense of such captain, owner, agent, or consignee, until such person shall have been delivered over to and placed under the care of the commissioners of emigration.

SEC. 2. Any person violating the preceding section of this act shall be liable to a penalty of five hundred dollars for each and every such violation, to be sued for by the commissioners of emigration.

Passed April 20, 1866.

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ACT OF 1867.

[New York State Laws, 1867, ch. 911, p. 2281.]

AN ACT To amend an act entitled "An act to amend the several acts relating to the powers and duties of commissioners of emigration and for the regulation of the marine hospital," passed April 13, 1853.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. For two years from and after the 1st day of July, 1867, the amount for which the master, owner or owners, consignee or consignees, of any ship or vessel bringing emigrants or passengers to the city of New York and arriving during said period may commute for any bond or bonds authorized or required by or pursuant to the seventh section of chapter 523 of the laws of 1851 shall be two dollars and fifty cents for each and every such passenger; and fifty cents of the amount commuted for any passenger or passengers shall be set aside as a separate fund for the benefit of each and every county in this State, except the county of New York. The commissioners of emigration shall deposit the moneys of said fund so set apart in any bank that the said commissioners may select, and the same, or as much of it as may be necessary, shall be distributed to the several counties, except the county of New York, once in every three months, and the balance that may be left after such three months' payment shall be paid over to the commissioners of emigration for the construction and improvement of their buildings and grounds. From and after the expiration of the said two years the amount for which such bond or bonds may be commuted shall be that established by the thirteenth section of chapter 224 of the laws of 1853.

Passed May 14, 1867, three-fifths being present.

ACTS OF 1868.

I.

[Laws of New York, 1868, ch. 793, p. 1776.]

AN ACT Relative to immigrants and other passengers arriving at or departing from the port of New York.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. It shall not be lawful for any railroad company, or for any agent, employee, or other officer of any railroad company, or for any other person, to sell, offer for sale, or otherwise dispose of any ticket or tickets, or written or printed instruments, or instruments partly written and partly printed, for the transportation or conveyance on or by any railroad or steamboat, of any immigrant or deck or steerage or second-class passenger, arriving at the port of New York from a foreign country, at any place or places in the city of New York, except such as may be designated by the commissioners of emigration; which place or places may from time to time, as they may deem best, be changed by said commissioners: *Provided, however*, That nothing herein contained shall prevent any railroad com-

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pany from selling tickets to any persons at the rates of fare charged for first-class passengers, nor from selling tickets at the principal ticket offices of such company to immigrants and other second-class passengers: *Provided*, That such company has at the same time an agent who shall sell tickets at the place designated by the said commissioners for selling tickets to immigrants. The commissioners of emigration shall furnish every railroad company of this State desiring such privilege to have an agent at each and every place so designated by them to sell tickets to immigrants and other second-class passengers, but if any such agent shall be found by said commissioners to have been guilty at any time, while acting as an agent, of defrauding immigrants, or of any other wrongful or disgraceful conduct, they shall exclude such agent, and it shall be the duty of the railroad company to appoint another agent in his place.

SEC. 2. Whenever any person or persons may be complained of, and arrested for violating any of the provisions of this act, or of any act for the benefit or protection of immigrants or passengers arriving at the port of New York, or about to depart therefrom, it shall be the duty of the magistrate before whom such complaint is made, to take and reduce to writing, in the presence of the person or persons complained of, the evidence of any witness which may be offered, either on behalf of the prosecution or of the person complained of, allowing the opposing party an opportunity to cross-examine the witness, and the depositions so taken shall be subscribed respectively, by the witnesses making the same, and certified by the magistrate; and when so taken and certified the said depositions shall be filed in the office of the clerk of the court of oyer and terminer, in and for the city and county of New York; and upon the trial of any party accused, in whose presence any such deposition shall have been taken upon any complaint or charge made against him, relative to the same transaction, such deposition may be read by either party with the same effect as if the same witness were sworn, and his testimony taken in open court upon such trial: *Provided*, It shall appear thereby that the witness at the time the deposition was taken, was a resident of this State on his way to some other State, Territory, province or country, or a resident of another State, territory or province, or an immigrant from a foreign country: *And provided further*, That it shall not be shown to the court, that the witness at the time of the trial is within its jurisdiction.

SEC. 3. Any person violating any provision of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than three hundred, and not more than one thousand dollars, or by imprisonment of not less than three months, or by both said fine and imprisonment.

SEC. 4. This act shall take effect immediately.

Passed May 9, 1868, three-fifths being present.

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II.

[New York State Laws, 1868, ch. 832, p. 1958.]

AN ACT In relation to the sale of the marine-hospital grounds.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The board of commissioners, constituted by chapter 751 of the laws of 1866, are hereby authorized and empowered, at any time within sixty days after the passage of this act, or within such further time, not exceeding forty days, as shall be fixed by the governor, to sell and dispose of the whole of the marine-hospital grounds therein mentioned (except the portions already disposed of) at private sale, either in one parcel or in separate parcels, as said board shall deem advisable, at such price or prices and upon such terms as shall be approved by the governor, comptroller, and secretary of state, or a majority of them. In case the whole of said grounds shall not be sold within the time aforesaid, then said board shall immediately proceed to sell and dispose of such portions thereof as remain unsold at public auction to the highest bidder, in such parcels as in their judgment will be likely to yield the largest sum of money. Such sale at auction shall be at the place and upon the notice specified in the ninth section of the law aforesaid in reference to the sale therein directed to be made, and the terms of purchase shall require the purchaser to pay to said board the sum of ten per cent of the amount of the purchase money at the time of the sale and the residue on the delivery of letters patent for said lands within thirty days thereafter.

SEC. 2. In case said grounds or any part thereof shall be sold at private sale, as hereinbefore authorized, the president of said board shall certify the fact of such sale to the commissioners of the land office, giving the name of the purchaser or purchasers, the terms of sale, and a description of the parcel or parcels sold, and thereupon letters patent of the State shall issue to such purchaser or purchasers for the parcel or parcels so sold, and upon said terms of sale being complied with said letters patent shall be delivered to such purchaser or purchasers, and they shall have the effect to vest in him or them the fee of the premises therein described, subject only to such conditions as may be embraced in said terms of sale. In case said grounds or any part thereof shall be sold at auction, as hereinbefore directed, the president of said board shall immediately certify the fact of such sale to the commissioners of the land office in the manner required by the eighth section of chapter 543 of the laws of 1867, and thereupon all the provisions of that section shall apply to such sale with the same effect as if the sale had been made pursuant to the provisions of the said last-mentioned law. And in either of the cases hereinbefore specified a sale of any portion of said grounds bordering on the waters of the bay shall entitle the purchaser or purchasers of such portion to the lands under water in front thereof five hundred feet beyond low-water mark.

SEC. 3. In case it shall become necessary in order to effect a sale of said grounds in parcels that the mortgage now existing thereon shall first be paid off and satisfied, it shall be the duty of the commissioners

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of emigration, and they are hereby required, to pay off and discharge the same in full, out of any moneys which may come into their hands; and upon the sale of said grounds the sum paid by them for that purpose, over and above the amount they are now required by law to pay on account of said mortgage, shall be refunded to them, with interest, out of the proceeds of such sale or of any site authorized or to be authorized in place thereof.

SEC. 4. The proceeds arising from the sale of said grounds shall be disposed of by said board and applied as follows:

1. They shall therefrom pay the cost of advertising said lands and the expenses of the sale.

2. They shall next apply so much thereof as may be necessary to reimburse the commissioners of emigration the sum which shall be advanced by them, as hereinbefore directed, and which is required to be reimbursed to them as specified in the preceding third section; or in case such advance shall not be made, and said premises shall not be sold subject to the mortgage aforesaid, they shall next apply so much of said proceeds as shall be necessary to pay the balance due upon said mortgage after the commissioners of emigration shall have paid on account thereof the amount they are required to pay upon the same under existing laws.

3. They shall next pay therefrom such sum as may be required to defray the expenses of the proceedings for procuring title to and paying for the sites authorized to be selected pursuant to the first section of chapter 543 of the laws of 1867, and of fitting up the same as therein directed, or of any site authorized or to be authorized in place thereof.

4. They shall pay the residue of said moneys into the state treasury to reimburse the treasury such sums as have been heretofore, or may hereafter be, paid therefrom pursuant to the provisions of either of the laws hereinbefore mentioned.

SEC. 5. So much of the provisions of existing laws as requires the marine-hospital grounds to be sold, or the proceeds of the sale to be applied, otherwise than as is in this directed, is hereby repealed.

SEC. 6. This act shall take effect immediately.

Passed May 19, 1868, three-fifths being present.

III.

[New York State Laws, 1868, ch. 857, p. 2040.]

AN ACT For the more effectual protection of emigrants arriving at the port of New York.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. Each commissioner of emigration shall have power to administer an oath to and examine under oath any witness respecting any complaint made by any person relative to the ship in which any passenger was brought to the United States, or the treatment of any passenger during the voyage, or the food or drink furnished to any passenger on the voyage, or the death on the voyage of any passenger, but to entitle the same to be read upon the trial of any person accused of any crime or offense such examination shall be made in the presence

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of the person complained of, who shall have the right to cross-examine every such witness.

SEC. 2. Such commissioner shall cause such testimony to be reduced to writing before him and shall sign and certify the same and shall deliver such depositions so signed and certified to the clerk of the county of New York, who shall file the same of record in his office and shall enter a docket or minute of such filing on payment of a fee of one dollar.

SEC. 3. The said clerk shall deliver a certified copy of such deposition to any person applying for the same upon payment of a fee of twenty-five cents for such certificate and of five cents for every folio of one hundred words therein contained.

SEC. 4. Such deposition and certified copies thereof shall be evidence in any action then or thereafter pending between any of the passengers on such voyages and the said ship, or her owners, master, or charterers, victualing, manning, and navigating her for such voyage, upon any claim involving the facts therein testified to.

SEC. 5. Before taking such testimony, such commissioners shall cause at least six hours' written notice thereof to the said vessel, her owners, master, or charterers, to be served on the owners personally, or on the master personally, or by handing a true copy thereof to the person found in charge of such vessel. The said notice, with an affidavit of service, which may be made before such commissioner, shall be attached to the deposition; but such notice need not name the owner, master, or charterer, and such owner, master, or charterer, or their agent, may cross-examine said witness; but no examination shall be adjourned for more than twenty-four hours, unless by reason of sickness of such witness.

Passed June 5, 1868, three-fifths being present.

ACT OF 1869.

[New York State Laws, 1869, ch. 808, p. 1890.]

AN ACT To amend an act entitled "An act to amend the several acts relating to the powers and duties of the commissioners of emigration, and for the regulation of the marine hospital," passed April 13, 1853.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The second section of the act entitled "An act to amend the several laws relating to the powers and duties of the commissioners of emigration, and for the regulation of the marine hospital," passed April 13, 1853, is hereby amended so as to read as follows:

"SEC. 2. The said commissioners of emigration are, and each of them is, hereby vested with the same powers in regard to the administering oaths of office to employees and to the binding out of children with consent of parents or next of kin, actually chargeable upon them, and also with regard to persons in the institution, or any of them, under the charge of said commissioners, for the prevention or punishment of an infraction or violation of the rules or orders and regulations of such commissioners, or their officers, in regard to such institutions as are possessed by the governors of the almshouse

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in the city of New York, or any of them, for the same purposes; and the general agent or superintendent of the said commissioners, duly appointed and authorized by them, shall have the same power to administer oaths that the said commissioners, or any of them, may have by any law of this State."

SEC. 3. The amount for which the master, owner or owners, consignee or consignees, of any ship or vessel bringing emigrants or passengers to the city of New York may commute for any bond or bonds authorized or required by or pursuant to the seventh section of chapter 523 of the laws of 1851 shall be two dollars and fifty cents for each and every such passenger, and fifty cents of the amount commuted for any passenger or passengers shall be set aside as a separate fund for the benefit of each and every county in this State except the county of New York. The commissioners of emigration shall deposit the moneys of said fund so set apart in any bank that the said commissioners may select, and the same, or as much of it as may be necessary, shall be distributed to the several counties except the county of New York once in every three months, and the balance that may be left after such three months' payment shall be paid over to the commissioners of emigration for the construction and improvement of their buildings and grounds.

SEC. 4. This act shall take effect immediately.

Passed May 10, 1869, three-fifths being present.

ACT OF 1870.

[Laws of New York, 1870, ch. 384, p. 918.]

AN ACT To appoint and designate commissioners of emigration and to amend an act entitled "An act concerning passengers in vessels coming to the city of New York," passed May 5, 1847, and of the various acts supplementary to and amendatory thereof.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. Cyrus Curtiss, Isaac Bell, Richard O'Gorman, Willy Wallach, Chauncey M. Depew, James B. Nicholson, William R. Barr, Emanuel B. Hart, and Edward F. Smith are hereby appointed commissioners of emigration for the purpose of carrying into effect the intent and provisions of an act entitled "An act concerning passengers in vessels coming to the city of New York," passed May 5, 1847, and of the various acts supplementary to and amendatory thereof.

The mayors of the cities of New York and Brooklyn, the president of the German Society of the City of New York, and the president of the Irish Emigrant Society of the City of New York shall also severally, by virtue of their respective offices, be additional commissioners of emigration. All of said commissioners hereby appointed and ex officio designated shall possess all the powers and perform all the duties now devolved upon commissioners of emigration by virtue of the several acts aforesaid. The commissioners of emigration hereby first appointed, as aforesaid, shall hold their offices for the term of five years. Any vacancy occurring in their number by death, resignation, or otherwise, shall be filled by a vote of a majority of all the remaining commissioners of emigration, both appointed and ex

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officio. At the expiration of the terms of five years herein designated to the commissioners herein first appointed, their successors shall be appointed by the governor, by and with the advice and consent of the senate, for the like term of five years, and as often thereafter as the full term shall expire. The terms of office of each of the commissioners of emigration now in office, except those holding ex officio and continued by this act, shall be terminated at the end of five days from the passage of this act, when the commissioners of emigration hereby appointed shall take their places and enter upon their terms of office provided as aforesaid.

SEC. 2. All acts and provisions of law inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

Passed April 26, 1870, three-fifths being present.

ACT OF 1871.

[New York State Laws, 1871, ch. 475, p. 1002.]

AN ACT To amend an act entitled "An act to amend the several acts relating to the powers of the commissioners of emigration, and for the regulation of the marine hospital," passed April 13, 1853.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirteen of the act entitled "An act to amend the several acts relating to the powers of the commissioners of emigration and for the regulation of the marine hospital," passed April 13, 1853, is hereby amended so as to read as follows:

SEC. 13. The amount for which the master, owner or owners, consignee or consignees of any such ship or vessel bringing emigrants or passengers to the city of New York, may commute for any bond or bonds authorized or required by or pursuant to the seventh section of chapter 523 of the laws of 1851, shall from and after the passage of this act be one dollar and fifty cents for each and every such passenger.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

Passed April 13, 1871, three-fifths being present.

ACT OF 1873.

[New York State Laws, 1873, ch. 302, p. 434.]

AN ACT To create a board of commissioners of emigration and to confer certain powers thereon.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the governor, by and with the advice and consent of the senate, and within ten days after the passage of this act, to appoint six commissioners of emigration for the State of New York. Two of said commissioners shall be appointed and shall hold their office for two years; two of said commissioners shall be appointed and shall hold their office for four years; and two

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of said commissioners shall be appointed and shall hold their offices for six years. The mayor of the city of New York, the president of the German Emigrant Society of the city of New York, the president of the Irish Emigrant Society of the City of New York shall be additional commissioners of emigration by virtue of their respective offices, but the two last-named commissioners shall not have the right to vote upon the appointment or removal of subordinates. The said commissioners of emigration shall have all the powers and perform all the duties now imposed upon the commissioners of emigration by virtue of an act entitled "An act concerning passengers in vessels coming to the city of New York," passed May 5, 1847, and the various acts supplementary thereto and amendatory thereof. They may elect from their number a president and a vice-president and appoint a secretary and treasurer and such other officers and employees as may be necessary.

SEC. 2. Upon the expiration of the several terms of office of the commissioners appointed as herein provided, their successors shall be appointed by the governor, by and with the advice and consent of the senate, and shall respectively hold their offices for the term of six years, and until their successors shall be appointed in like manner and qualified. In case of a vacancy in the office of any one of said commissioners, the same shall be filled by an appointment to be made by the governor, by and with the advice and consent of the senate, and the appointee shall hold his office for the remainder of the term of the person in whose place he shall be appointed. The commissioners of emigration appointed as herein provided, before entering upon their duties as such commissioners, shall take, subscribe, and file in the office of the secretary of state the oath prescribed by the twelfth article of the constitution of this State.

SEC. 3. The terms of office of each of the present commissioners of emigration shall cease and determine at the end of five days after the filing of the oath of office of the commissioners of emigration first appointed as herein provided, and all their power and authority, property, rights of property, archives, records, and possessions, as such commissioners, shall thereupon pass to and become vested in the first board of commissioners of emigration constituted under the provisions of this act, and their successors.

SEC. 4. The commissioners of emigration shall not be required to support any person capable of earning a livelihood for a longer period than two years. This section shall not take effect until the 1st day of May, 1873.

SEC. 5. The commissioners of emigration may appoint an agent in all incorporated cities, at a salary not to exceed three hundred dollars per annum.

SEC. 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 7. This act shall take effect immediately.

Passed April 26, 1873, three-fifths being present.

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ACTS OF 1881.

I.

[New York State Laws, 1881, ch. 427, p. 585.]

AN ACT For the inspection of alien emigrants and their effects by the commissioners of emigration.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of emigration are hereby empowered and directed to inspect the persons and effects of all persons arriving by vessel at the port of New York from any foreign country, as far as may be necessary to ascertain who among them are habitual criminals or pauper lunatics, idiots, or imbeciles, or deaf, dumb, blind, infirm, or orphan persons, without means or capacity to support themselves and subject to become a public charge, and whether their persons or effects are affected with an infectious or contagious disease, and whether their effects contain any criminal implements or contrivances.

SEC. 2. On discovering any such objectionable persons or effects the said the commissioners of emigration and its inspectors are further empowered to take such persons into their care or custody and to detain or destroy such effects, if necessary for the public welfare, and keep such persons under proper treatment, and provide for their transportation and support as long as they may be a necessary public charge. The commissioners of emigration shall, in case of habitual criminals, and may in other cases where necessary to prevent such persons from continuing a public charge, retransport such person or persons to the foreign port from which they came.

SEC. 3. The commissioners of emigration are further empowered to board any incoming vessel from foreign ports arriving at the port of New York by its agents and inspectors, who shall have such powers as may be necessary to the effectual execution of this act, and any person who shall resist them in the execution of their lawful function shall be guilty of a misdemeanor and may be arrested by the officer resisted, and, upon conviction, may be sentenced to a term not exceeding six months in the penitentiary and to pay a fine of one hundred dollars, or both.

SEC. 4. This act shall take effect immediately.

Passed May 28, 1881, three-fifths being present.

II.

[New York Laws, 1881, ch. 432, p. 590.]

AN ACT To raise money for the execution of the inspection laws of the State of New York.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. There shall be levied and collected a duty of one dollar for each and every alien passenger who shall come by vessel from a

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foreign port to the port of New York for whom a tax has not heretofore been paid, the same to be paid to the chamberlain of the city of New York by the master, owner, agent, or consignee of every such vessel within twenty-four hours after the entry thereof into the port of New York.

SEC. 2. It shall be the duty of the master or acting master of every such vessel within twenty-four hours after its arrival at the port of New York to report, under oath, to the mayor of the city of New York the names, ages, sex, place of birth, and citizenship of each and every passenger on such vessel, and in default of such report every passenger shall be presumed to be an alien arriving at the port of New York for the first time. And in default of every such payment to the chamberlain of the city of New York there shall be levied and collected of the master, owner, agent, or consignee of every such vessel a penalty of twenty-five cents for each and every alien passenger, in addition to the duty heretofore imposed.

SEC. 3. It shall be the duty of the chamberlain of the city of New York to pay over from time to time to the commissioners of emigration all such sums of money as may be necessary for the execution of the inspection laws of the State of New York, with the execution of which the commissioners of emigration now are or may hereafter be charged by law, and to take the vouchers of the commissioners of emigration for all such payments. And it shall be the duty of the said chamberlain to pay over annually, on the first of January in each year, to the Treasury of the United States the net produce of all the duties collected and received by him under this act after the payment to the commissioners of emigration aforesaid, and take the receipt of the Secretary of the Treasury therefor.

SEC. 4. The commissioners of emigration shall institute suits in the name of the people of the State of New York for the collection of all moneys due or which may grow due under this act, the same to be paid when collected to the chamberlain of the city of New York, to be applied by him pursuant to the terms of this act.

SEC. 5. Section one shall not apply to any passenger whose passage ticket was actually issued and paid for prior to the time this act takes effect, but every ticket shall be presumed to have been issued after this act takes effect in the absence of evidence showing to the contrary.

SEC. 6. This act shall take effect immediately.

Passed May 31, 1881, three-fifths being present.

ACTS OF 1882.

I.

[New York State Laws, 1882, ch. 145, p. 181.]

AN ACT To authorize the commissioners of emigration to contract with the carriers of emigrants for the expense caused to the State by their being brought to the port of New York.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. In order to save the State from the expense of the inspection and care of alien passengers the commissioners of emigra-

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tion are hereby authorized to contract with the carriers of emigrants by vessels to the port of New York, for periods not exceeding five years at a time, to receive not less than fifty cents nor more than one dollar for each alien passenger so brought for such inspection and care, which payments, when made, shall be in lieu of any tax by the State for the inspection and care of such passengers. Such contracts may be made to take effect as of the 31st day of May, 1881.

SEC. 2. This act shall take effect immediately.

Passed May 12, 1882, by a two-thirds vote.

II.

[New York State Laws, 1882, ch. 281, p. 347.]

AN ACT To enable the commissioners of emigration to exclude from the benefits of the state emigrant institutions at Castle Garden and Wards Island such steamship companies as will not contribute toward the maintenance of said institutions.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. In case the carriers of emigrants to the port of New York refuse to pay not less than 50 cents for each alien passenger landed at Castle Garden to the commissioners of emigration, said commissioners shall be authorized to exclude said carriers from landing immigrants at Castle Garden and from the benefits of the state emigrant institutions at Wards Island.

SEC. 2. This act shall take effect immediately.

Passed June 5, 1882, three-fifths being present.

COMPILATION OF LAWS RELATING TO IMMIGRATION, 1882.

[New York State Laws, 1882, vol. 2, ch. 30, p. 490.]

2032. The commissioners of emigration shall, from time to time, designate some one place in the city of New York as they shall deem proper for the landing of emigrant passengers, and it shall be lawful for such passengers to be landed at such place so designated by the commissioners of emigration. The commissioners of emigration shall have authority to purchase, lease, construct, and occupy such wharves, piers, and other accommodations in the city of New York as may be necessary for the accommodation of emigrant passengers for the purposes mentioned in this section.

2033. It shall be the duty of every shipmaster, owner, or consignee bringing to the port of New York any alien emigrants, steerage or second-cabin passengers, in vessels not subject to quarantine, to cause the same to be landed on the emigrant piers aforesaid, either directly from the vessel or by means of some licensed steamboats or lighters; and the landing of them upon any other pier or wharf shall be punished by a fine of not less than one hundred dollars, which fine may be recovered of the master, owner, or consignee of such ship or vessel. The commissioners of emigration are empowered to make all necessary regulations for the preservation of order and the admission to or exclusion from said dock of any person or

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persons, excepting such as are duly licensed, and any person violating any such regulations shall be liable to a penalty of one hundred dollars for each and every offense, to be recovered by the said commissioners of emigration.

2034. The health officer shall give notice, in writing, to the owner or owners, consignee or consignees, master, commander, or person having charge of every vessel having emigrant passengers on board of such vessel, destined for the city of New York, to land such passengers and their personal baggage at such pier or place in the said city of New York as has been or may at any time be designated specially by commissioners of emigration for the landing of emigrant passengers and their personal baggage.

2035. The owner or owners, consignee or consignees, master, commander, or person having charge of any ship or vessel arriving at the port of New York with passengers emigrating to the United States shall, subject to the provisions of the preceding sections of this chapter, land all such passengers on some one of the public wharves of the city of New York, excepting, however, such wharves as are owned or rented by or are under the control of any steamboat or railroad or forwarding company or line. No owner or owners, consignee or consignees, master, commander, or person having charge of any such ship or vessel shall order any such passengers to be taken or removed from such ship or vessel, at quarantine or elsewhere, excepting for the purpose of quarantine regulations as to health, or shall give orders or permit or allow any runner or person, on behalf of or connected with any steamboat, railroad, or forwarding company or line, or emigrant boarding house, to solicit or book any such passengers or to enter or go on board such ship or vessel prior to the landing of such passengers, as is provided for in this section. This section shall apply to the owner or owners, consignee or consignees, master, commander, or persons having charge of any steamboat or other vessel employed for the purpose of conveying any passengers from quarantine.

2036. Any consignee or consignees, master, commander, or person having charge of any ship, steamboat, or vessel, who shall violate any of the provisions of the preceding section, and the owner or owners of such ship, steamboat, or vessel, severally and respectively, shall be subject to a penalty of five hundred dollars for each and every violation of any of such provisions, to be sued for and recovered, with costs of suit, by and in the name of the commissioners of emigration, in any court having cognizance thereof; and, when recovered, one-half of said recovery shall be paid to the person furnishing information and evidence of such violation, and the remainder of such recovery shall be applied and used by said commissioners of emigration for the purposes for which said commissioners are constituted.

2037. Any ship, steamboat, or vessel whose master, commander, owner, or owners shall have incurred any penalty or forfeiture under the provisions of either of the two preceding sections shall be liable for such penalties or forfeitures, which shall be a lien upon such ship or vessel, and may be enforced or collected by warrant or attachment, in the same manner as is provided in title 8 of the third part of the Revised Statutes, all the provisions of which title shall apply to the

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forfeitures and penalties imposed by such sections; and the said commissioners of emigration shall, for the purpose of such attachment, be deemed creditors of such ship, steamboat, or vessel and of her master or commander and owner or owners, respectively.

2038. Nothing in the three preceding sections contained shall be construed to prevent the landing of such emigrant passengers from steamboats or other vessels, in the manner provided in section 2035, in any case where the ship or vessel from which such passengers are taken shall be unable to come to any such public wharf, provided such steamboat or other vessel shall be employed at their own expense by the owner, consignee, master, or person having charge of the ship or vessel from which such passengers are taken for the purpose of landing the same in consequence of their liability to bring such ship or vessel to said public wharf; and the provisions of such section shall apply to such steamboat or other vessel so employed.

2039. Any runner, or person acting for himself, or for or on behalf of or connected with any steamboat, railroad, or forwarding company or emigrant boarding house, who shall solicit or book any passenger emigrating to the United States and arriving at the port of New York before such passenger shall have left the vessel in which he has so arrived, or who shall enter or go on board any ship or vessel, so arriving with emigrant passengers, prior to the landing of such passengers therefrom, and also any person, company, or corporation having employed such person for the purpose of soliciting and booking such passengers prior to their leaving the vessel in which they may arrive, shall be severally subject to a penalty of one hundred dollars for each offense, to be sued for and recovered in the name of the commissioners of emigration in any court having jurisdiction. Any person violating the provisions of this section may also be indicted for a misdemeanor, which violation shall be held and taken to be a misdemeanor.

2040. In any case of violation of the provisions of the preceding section, or of sections 2035, 2036, and 2037, or any of them, whenever it shall be made to appear to any court having jurisdiction thereof, upon satisfactory evidence, that such violation was not intentionally committed, or with a view to the profit of the person committing the same, or for or on behalf of some owner, consignee, or other person, nor by any culpable negligence, it shall then be lawful for the said court to remit or compound the penalty for such violation on such terms as may in their judgment be just and equitable to all persons interested in the matter.

2041. Nothing in sections 2035 to 2039, inclusive, shall be taken or construed to prevent any passenger arriving at the port of New York and not detained under the authority of the laws for the preservation of public health from leaving the vessel in which he so arrives, whenever and in any way he shall prefer, upon his personal request or demand so to do to the commander of such vessel.

2042. The commissioners of emigration are hereby empowered and directed to inspect the persons and effects of all persons arriving by vessel at the port of New York from any foreign country, as far as may be necessary to ascertain who among them are habitual criminals or pauper lunatics, idiots, or imbeciles, or deaf, dumb, blind, infirm, or orphan persons, without means or capacity to sup-

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port themselves, and subject to become a public charge, and whether their persons or effects are affected with any infectious or contagious disease, and whether their effects contain any criminal implements and contrivances. On discovering any such objectionable persons or effects the said commissioners of emigration and its inspectors are further empowered to take such persons into their care or custody, and to detain or destroy such effects if necessary for the public welfare, and keep such persons under proper treatment, and provide for their transportation and support as long as they may be a necessary public charge. The commissioners of emigration shall, in case of habitual criminals, and may in other cases where necessary to prevent such person or persons from continuing a public charge, retransport such person or persons to the foreign port from which they came. The commissioners of emigration are further empowered to board any incoming vessel from foreign ports arriving at the port of New York by its agents and inspectors, who shall have such powers as may be necessary to the effectual execution of this section, and any person who shall resist them in the execution of their lawful function shall be guilty of a misdemeanor and may be arrested by the officer resisted, and, upon conviction, may be sentenced to a term not exceeding six months in the penitentiary or to pay a fine of one hundred dollars, or both.

2043. There shall be levied and collected a duty of one dollar for each and every alien passenger who shall come by vessel from a foreign port to the port of New York, for whom a tax has not heretofore been paid—the same to be paid to the chamberlain of the city of New York by the master, owner, agent, or consignee of every such vessel within twenty-four hours after the entry thereof into the port of New York. It shall be the duty of the master or acting master of every such vessel within twenty-four hours after its arrival at the port of New York to report, under oath, to the mayor the names, ages, sex, place of birth, and citizenship of each and every passenger on such vessel, and in default of such report, every passenger shall be presumed to be an alien arriving at the port of New York for the first time. And in default of every such payment to the chamberlain there shall be levied and collected of the master, owner, agent, or consignee of every such vessel a penalty of twenty-five cents for each and every alien passenger, in addition to the duty, heretofore imposed. The commissioners of emigration shall institute suits in the name of the people of the State of New York for the collection of all moneys due, or which may grow due, under this section, the same to be paid when collected to the chamberlain of the city of New York, to be applied by him pursuant to the terms of the next section.

2044. It shall be the duty of the chamberlain to pay over from time to time to the commissioners of emigration all such sums of money as may be necessary for the execution of the inspection laws of the State of New York, with the execution of which the commissioners of emigration now are, or may hereafter, be charged by law, and to take the vouchers of the commissioners of emigration for all such payments. And it shall be the duty of the said chamberlain to pay over annually, on the first of January in each year, to the Treasury of the United States the net produce of all the duties collected and received by him under this title after the payments to the com-

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missioners of emigration aforesaid, and take the receipt of the Secretary of the Treasury therefor.

2045. The commissioners of emigration are authorized and required to grant and issue licenses, and from time to time, in their discretion, to suspend, revoke, or annul the same, to the owner or captain of any steamboat, steam tug, propeller, or barge, used or engaged, or to be used or engaged, for the purpose, in whole or in part, of the removing, taking off, or conveying or transporting to any dock or pier in the city of New York, emigrant passengers or their baggage arriving at and being in any part of the port of New York within this State, from the ship or vessel in which such emigrant passengers or their luggage shall have arrived at such part of said port, provided always that such licenses shall not be suspended, revoked, or annulled, except for cause, after opportunity for the party complained of to be heard.

2046. It shall not be lawful for any steamboat, steam tug, propeller, barge, or other boat or vessel, or the owner or captain, or person having charge of the same, to go or to be taken alongside of any ship or vessel having such passengers on board, being within this State, with the intent or for the purpose of removing, taking off, conveying, or transporting, or to remove, take off, convey, or transport any of such passengers, or the baggage of any such passengers, from such ship or vessel, being in this State, to any dock in the city of New York or Brooklyn, unless the license mentioned in the preceding section shall have been granted and issued to the then owner or then captain of such steamboat, steam tug, propeller, barge, or other boat or vessel, and be then existing and not suspended, revoked, or annulled.

2047. The owner and owners jointly and severally, and the captain or person having charge of any steamboat, steam tug, propeller, barge, or other boat or vessel violating the provisions of the preceding section, or any of them, shall be liable to a penalty of five hundred dollars for each and every violation thereof; and in case any of such passengers or the baggage of any of them shall be taken off or removed from such ship or vessel, so being within the State, in or by any steamboat, steam tug, propeller, barge, boat, or other vessel, without the license aforesaid, with the intent or for the purpose mentioned in said section, or in violation of any of its provisions, except in case of shipwreck or imminent danger thereof, the owner or owners, jointly and severally, and the captain or person having charge thereof, shall, in addition to the above penalty, be also liable to a further penalty of fifty dollars for each and every passenger and for the baggage of each and every passenger so taken off or conveyed from such ship or vessel, which penalties shall be deemed and be forthwith a lien on such steamboat, steam tug, propeller, barge, boat, or other vessel, and may be, immediately upon such violation, sued for, enforced, and recovered by and in the name of the commissioners of emigration, either by an action in any court having jurisdiction thereof, or by an attachment under and pursuant to the provisions of the laws enacted for the collection of demands against ships and vessels, and said commissioners shall forthwith be deemed to be, and be creditors of such steamboat, steam tug, propeller, barge, boat, or vessel and have a direct lien thereon.

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2048. All personal baggage of emigrant passengers arriving at the port of and destined for the city of New York shall be landed at the place or pier designated as the landing place in said city for emigrant passengers; and the captain, owner, and consignees of every ship or vessel arriving at said port with emigrant passengers destined for said city shall be jointly and severally subject and liable to a penalty of fifty dollars for each and every emigrant passenger or his personal baggage landed at any place or pier other than the place or pier aforesaid, which penalty shall be a lien upon such ship or vessel, and may be enforced and recovered by and in the name of the commissioners of emigration, either by an action or by warrant of attachment, under and pursuant to the provisions of the laws enacted for the collection of demands against ships and vessels.

2049. All persons keeping houses in said city for the purpose of boarding emigrant passengers shall be required to have a license for said purpose from the mayor, and such person so licensed shall pay to the city the sum of ten dollars per annum and shall give bonds satisfactory to said mayor, with one or more sureties, in the penal sum of five hundred dollars, for good behavior and the proper conduct of all agents and runners in their employ, and the said mayor is hereby authorized to revoke any license for cause. Every keeper of such boarding house shall, under a penalty of fifty dollars, cause to be kept conspicuously posted in the public rooms of such house, in the English, German, Dutch, French, and Welsh languages, and printed upon business cards, to be kept for distribution as hereinafter provided, a list of the rates of prices which will be charged emigrants per day and week for board and lodging, and also the rates for separate meals, which card shall contain the name of the keeper of such house, together with its number and the name of the street in which such house is situated. The keeper of such house shall also file a copy of said list in the office of the commissioners of emigration, and the keeper of any emigrant boarding house who shall neglect or refuse to post a list of rates or to keep business cards so as above provided, or who shall charge or receive or permit or suffer to be charged or received for the use of such keeper or for any other person any greater sum than according to the rates of prices so posted and printed on business cards, and if any runner employed by any emigrant boarding-house keeper or any emigrant boarding-house keeper himself shall engage any emigrants as guests for such boarding house without delivering to every such emigrant a printed business card as above provided he shall, upon conviction thereof, be deprived of his or her license and be punished by a fine not less than fifty nor more than one hundred dollars, to be recovered by the commissioners of emigration, and any person who shall keep a boarding or lodging house for emigrants who shall refuse or neglect to obtain a license in pursuance of the provisions of this section shall, upon the first conviction, forfeit the penalty of one hundred dollars, and upon a subsequent conviction shall forfeit the penalty of two hundred dollars, to be recovered by the persons and in the manner above set forth.

2050. No keeper of any emigrant boarding house shall have any lien upon the baggage or effects of any emigrant for boarding, lodging, storage, or any other account whatever, for any greater sum than shall be due from such emigrant for boarding and lodging according

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to the rates or prices so posted as above provided; and upon complaint being made upon oath before the mayor or any police magistrate that the luggage or effects of any emigrant are detained by the keeper of any emigrant boarding house, under pretense of any lien upon such luggage or effects, or on any claim or demand against the owner or owners thereof for any other or greater sum than in accordance with such rates, it shall be the duty of the officer before whom such complaint is made immediately to issue his warrant, directed to any constable or policeman of said city, commanding him or them to bring before him the party against whom such complaint has been made, and upon conviction thereof the officer before whom such conviction shall be had shall cause the said goods to be forthwith restored to the owner thereof, and the party so convicted shall be punished by a fine not less than fifty dolars and not exceeding one hundred dollars, and shall be committed to the city prison until the said fine shall be paid and until such luggage or effects shall be delivered to such emigrant. Any person so convicted shall have the right of appealing from the decision of such mayor or magistrate to the same tribunals and in the same manner as is provided by law for appeals from the decisions of justices in civil cases, and all the provisions of law relating to appeals from justices shall apply so far as applicable to appeals from such mayor or other magistrates. But such appeals shall not authorize the detention of such luggage or effects after the payment of the sum which such mayor or magistrate shall adjudge to be justly due from such emigrant.

2051. No person shall, in said city, solicit emigrant passengers or their luggage for emigrant boarding houses, passenger offices, forwarding transportation lines, or for steamers, ships, or vessels bound or about to proceed to any port not within this State, or for any person or for any company selling or offering for sale passage tickets, or contracting or offering to contract for passage in any such steamer, ship, or vessel without a license for that purpose, which shall expire at the end of one year from its date. Such license may be issued and revoked, in the discretion of the commissioners of emigration, for cause, as hereinbefore provided. Such person receiving such license shall pay the sum of twenty dollars, and give a bond, with two sufficient sureties, in the penalty of five hundred dollars, conditioned for the good behavior and the observance by him of the provisions of this section, to the commissioners of emigration. The money thus received or collected on said bonds shall be for the benefit of the emigrant fund. Every person so licensed shall wear, in a conspicuous place about his person, a badge or plate, of such character and in such time and manner as such commissioners shall prescribe, with the words "Licensed emigrant runner" inscribed thereon, with his name and the number of his license. No person who is not of approved good moral character shall be licensed as such runner. Every person who shall, without such license, solicit alien emigrant passengers or others for the benefit of boarding houses, passenger offices, or forwarding or transportation lines, or for any steamer, ship, or vessel bound or about to proceed to any port not within the State of New York, or for any person or company selling or offering for sale passage tickets, or contracting or offering to contract for passage in any such steamship or vessel upon any street, lane, alley, or upon any

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dock, pier, or public highway, or in any other place within the corporate bounds of the city or upon any waters adjacent thereto, over which said city has jurisdiction, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than three months nor exceeding one year. The bonds mentioned in this section may be sued by and in the name of the commissioners of emigration in any court having cognizance thereof; and in case of a breach the said commissioners shall recover the full penalty of said bond.

2052. No person or persons shall exercise the vocation of booking emigrant passengers, or taking money for their inland fare, or for the transportation of the luggage of such passengers without keeping a public office for the transaction of such business, nor without the license of the mayor, for which shall be paid the sum of twenty-five dollars per annum. Every such office and place for weighing luggage shall be at all times, when business is being transacted therein, open to the commissioners of emigration or their agent, duly appointed, and no scales or weights shall be used for such purpose but such as have been inspected and sealed by the city inspector of weights; and every such establishment shall have posted in a conspicuous place and manner at its place of business, in the English, German, Dutch, French, and Welsh languages, a list of prices of rates of fare for the passage of emigrant passengers, and the price per hundred pounds for transportation of their luggage to the principal places to which the proprietors thereof undertake to convey such passengers, and shall also deliver a copy of such list to the commissioners of emigration; and any person or company who shall charge or receive, or allow to be charged or received, by any person in his or their employment, a greater amount than is specified in said list of prices, or who shall defraud any emigrant in the weight of his or her luggage, or who shall receive money from an emigrant or emigrants for their passage or for the transportation of their luggage and shall refuse or neglect to issue to the person or persons so paying their fare or for the transportation of their luggage a ticket which shall state the time and place of such issue, the number of persons so paying, the distance in miles to the place to which fare is received, the amount so received, the number of pounds of baggage, and the price per hundred pounds for its transportation, which said ticket shall be signed by the person or persons in whose names the establishment is conducted, and if more than one person is interested in the concern as a partner, then the full names of all the persons so interested in said concern shall be printed or written on the ticket, or who shall issue any ticket directed to an agent without first having made arrangements with some responsible person or persons to act as his or her or their agent, or who shall issue a ticket so as aforesaid for the passage of any emigrant or his or her luggage which shall not be promptly redeemed by the agent or consignee according to the terms of the agreement, as set forth in the ticket, or who shall in any way fail or neglect to fulfill any contract for the passage of any emigrant, or for the transportation of any luggage, made with an emigrant, or who shall issue to any person blank receipts signed by him or them, or who shall permit his, her, or their name or names to be used by any other person or persons in said business of booking

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emigrant passengers and their luggage, or taking money for their fare or transportation of their luggage, shall, together with all other persons concerned in the violation of these provisions, be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by confinement in the city prison not less than six nor more than twelve months; and any person or company receiving money as aforesaid for the purpose of emigrants or for the transportation of their luggage without such office and license, or who shall refuse admission as aforesaid to such office or place of weighing luggage during the time of transacting business therein, or who shall neglect to post the said list of rates as aforesaid, or who shall neglect or refuse to furnish a copy thereof as aforesaid, or who shall make any arrangement or engagement with any emigrant for his passage or transportation, or any runner or agent connected with or employed by such forwarding establishment who shall make such engagement or arrangement without delivering to every such emigrant a printed card (in the language of the country to which said emigrant may belong) of prices or rates of fare which will be charged every emigrant for his passage or for transportation of his baggage or effects to the principal places on the route which he, the said emigrant, is about to travel, or every such keeper, or owner or owners, or runner or runners connected therewith, or any licensed emigrant runner or runners, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by imprisonment in the county prison for a period not less than three nor more than six months. Licenses under this section may be revoked for cause, and no person shall be licensed under this section who is not of good moral character and a citizen of the United States.

2053. Any person who shall sell or cause to be sold a passage ticket, or order for such ticket, to any emigrant passenger at a higher rate than one and a quarter cents per mile, or shall pay for any ticket, or order for a ticket, under any false representation as to the class of said ticket, whether emigrant or first class, shall, upon conviction, be deemed guilty of a misdemeanor and be punished by a fine of two hundred and fifty dollars and imprisonment in the county jail for not less than sixty days.

2054. Any person who shall, directly or indirectly, by means of false representations, purchase or receive from any emigrant passenger any passage ticket, or who shall procure or solicit any such passenger having a passage ticket to exchange the same for any other passage ticket, or to sell the same and purchase some other passenger ticket, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine and imprisonment.

2055. Any person who shall sell or dispose of any ticket, or order for ticket or tickets, at a price or for a consideration beyond the highest price advertised for tickets by the company advertising at the highest price, published according to the provisions of law, shall be, upon conviction thereof in any of the courts of this State, deemed guilty of a misdemeanor and imprisoned therefor in one of the prisons of this State for a term not exceeding two years.

2056. It shall not be lawful for any railroad company or for any agent, employee, or other officer of any railroad company, or for any other person to sell, offer for sale, or otherwise dispose of any ticket

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or tickets, or written or printed instruments, or instruments partly written and partly printed for the transportation or conveyance on or by any railroad or steamboat of any immigrant, or deck or steerage or second-class passenger, arriving at the port of New York from a foreign country at any place or places in the city of New York, except such as may be designated by the commissioners of emigration; which place or places may from time to time, as they may deem best, be changed by the said commissioners: *Provided, however*, That nothing herein contained shall prevent any railroad company from selling tickets to any persons at the rate of fare charged for first-class passengers, nor from selling tickets at the principal ticket offices of such company to immigrants and other second-class passengers, provided that such company has at the same time an agent who shall sell tickets at the place designated by the said commissioners for selling tickets to immigrants. The commissioners of emigration shall furnish every railroad company of this State desiring it the privilege to have an agent at each and every place so designated by them to sell tickets to immigrants and other second-class passengers; but if any such agent shall be found by said commissioners to have been guilty at any time while acting as an agent of defrauding immigrants or of any other wrongful or disgraceful conduct, they shall exclude such agent, and it shall be the duty of the railroad company to appoint another agent in his place.

2057. Whenever any person or persons may be complained of and arrested for violating any of the provisions of this title, it shall be the duty of the magistrate before whom such complaint is made to take and reduce to writing, in the presence of the person or persons complained of, the evidence of any witness which may be offered, either on behalf of the prosecution or of the person complained of, allowing the opposing party an opportunity to cross-examine the witness, and the depositions so taken shall be subscribed, respectively, by the witnesses making the same and certified by the magistrate; and when so taken and certified the said depositions shall be filed in the office of the clerk of the court of oyer and terminer in and for the city and county of New York; and upon the trial of any party accused, in whose presence any such deposition shall have been taken upon any complaint or charge made against him, relative to the same transaction, such deposition may be read by either party with the same effect as if the same witness were sworn and his testimony taken in open court upon such trial: *Provided*, It shall appear thereby that the witness at the time the deposition was taken was a resident of this State on his way to some other State, Territory, Province, or country, or a resident of another State, Territory, or Province, or an immigrant from a foreign country: *And provided further*, That it shall not be shown to the court that the witness at the time of the trial is within its jurisdiction.

2058. Any person violating any provision of the two preceding sections shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than three hundred and not more than one thousand dollars, or by imprisonment of not less than three months, or by both said fine and imprisonment.

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2059. It shall be the duty of all companies, associations, and persons undertaking to transport or convey, or engaged in transporting or conveying, by railroad, steamboat, canal boat, or propeller, any immigrant, second-class, steerage, or deck passenger from the city, bay, or harbor of New York to any point or place distant more than ten miles therefrom, to deliver to the mayor of the city of New York and to the commissioners of emigration, on or before the first day of April in each and every year, a written or printed statement of the price or rates of fare to be charged by such company, association, or person for the conveyance of such immigrant, second-class, steerage, and deck passengers, respectively, and the price per hundred pounds for the carriage of the luggage and weight of luggage to be carried free of such passengers from and to each and every place from and to which any such company, association, or person shall undertake to transport and convey such passengers; and such prices or rates shall not exceed the prices and rates charged by the company, association, or person, after the time of delivering such statement to the said mayor; and such statement shall also contain a particular description of the mode and route by which such passengers are to be transported and conveyed, specifying whether it is to be by railroad, steamboat, canal boat, or propeller, and what part of the route is by each, and also the class of passage, whether by immigrant trains, second-class, steerage, or deck passage. In case such companies, association, or person shall desire thereafter to make any change or alteration in the rates or prices of such transportation and conveyance they shall deliver to the said mayor a similar statement of the prices and rates as altered and changed by them, but the rates and prices so changed and altered shall not be charged or received until five days after the delivery of the statement thereof to the said mayor.

2060. Every ticket, receipt, or certificate which shall be made or issued by any company, association, or person for the conveyance of any immigrant, second-class, steerage, or deck passengers, or as evidence of their having paid for a passage or being entitled to be conveyed from said city, bay, or harbor to any other place or places shall contain or have indorsed thereon a printed statement of the names of the particular railroad or railroads and of the line or lines of steamboats, canal boats, and propellers, or of the particular boats or propellers, as the case may be, which are to be used in the transportation and conveyance of such passengers, and also the price or rate of fare charged or received for the transportation and conveyance of any such passenger or passengers with his or their luggage.

2061. It shall not be lawful for any person or persons to demand or receive or bargain for the receipt of any greater or higher price or rate of fare for the transportation and conveyance of any such immigrant, second-class, steerage, or deck passengers with their luggage, or either, from said city, bay, or harbor to any other point or place than the prices or rates contained in the statements which shall be delivered to the mayor and said commissioners, as in section 2059 provided for, or the price or rates which shall be established and fixed for the transportation and conveyance of such passengers and their luggage, or either, by the proprietors or agents of the line or

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lines, or means of conveyance, by which such passenger or passengers and their luggage are to be transported or conveyed. In all cases each immigrant over four years of age conveyed by railroad shall be furnished with a seat with permanent back to the same, and when conveyed by steamboat, propeller, or canal boat shall be allowed at least two and one-half feet square in the clear on deck. Such deck shall be covered and made water-tight overhead, and shall be properly protected at the out sides, either by curtains or partitions, and shall be properly ventilated.

2062. Any company, association, person, or persons violating or neglecting to comply with any of the provisions of sections 2059 or 2060 shall be liable to a penalty of two hundred and fifty dollars for each and every offense, to be sued for and recovered in the name of the people of this State; and every person violating any of the provisions of section 2061 shall be deemed guilty of misdemeanor, and on conviction thereof the person offending may be punished by a fine of two hundred and fifty dollars or by imprisonment not exceeding one year, or by both fine and imprisonment, in the discretion of the court; one-half of which fines, when recovered, shall be paid to the informer and the other half into the county treasury where the action shall be tried or the conviction had.

2063. It shall be the duty of every magistrate who shall issue a warrant for the apprehension of any person or persons for violating the provisions of section 2061, within twenty-four hours after such person or persons shall have been taken and brought before him, to take the testimony of any witness who may be offered to prove the offense charged, in the presence of the accused, who may, in person or by counsel, cross-examine such witness. The testimony so taken shall be signed by the witness and be certified by the magistrate, and in case such magistrate shall commit the accused to answer the charge he shall immediately thereafter file the testimony so taken with the district attorney of the county in which the offense was committed, to be used on the trial of or on any further proceedings against the accused; and the testimony so taken shall be deemed valid and competent for that purpose and be read and used with the like effect as if such witness were orally examined on such trial or proceedings. After the testimony of any witness shall be so taken he shall not be detained, nor be imprisoned or compelled to give any recognizance for his future appearance as a witness on any trial or proceeding thereafter to be had in the premises.

2064. It shall be the duty of all captains, owners, agents, and consignees of all ships or vessels arriving at the port of New York having as a passenger any lunatic, idiot, deaf, dumb, blind, maimed, infirm, or sick indigent person or persons above the age of sixty years, to keep, provide, and care for such person in a proper manner on board of such ship or vessel, at the expense of such captain, owner, agent, or consignee, until such person shall have been delivered over to and placed under the care of the commissioners of emigration. Any person violating this section shall be liable to a penalty of five hundred dollars for each and every such violation, to be sued for by the commissioner of immigration.

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2065. Each commissioner of emigration shall have power to administer an oath to and examine under oath any witness respecting any complaint made by any person relative to the ship in which any passenger was brought to the United States, or the treatment of any passenger during the voyage, or the food or drink furnished to any passenger on the voyage, or the death on the voyage of any passenger; but to entitle the same to be read upon the trial of any person accused of any crime or offense such examination shall be made in the presence of the person complained of, who shall have a right to cross-examine every such witness. Such commissioner shall cause such testimony to be reduced to writing before him, and shall sign and certify the same, and shall deliver such depositions, so signed and certified, to the clerk of the county of New York, who shall file the same of record in his office and shall enter a docket or minute of such filing on payment of a fee of one dollar. The said clerk shall deliver a certified copy of such deposition to any person applying for the same upon payment of a fee of twenty-five cents for such certificate and of five cents for every folio of one hundred words therein contained.

2066. Before taking such testimony such commissioners shall cause at least six hours' written notice thereof to the said vessel, her owners, master, or charterers, to be served on the owners personally, or on the master personally, or by handing a true copy thereof to the person found in charge of such vessel. The said notice, with an affidavit of service, which may be made before such commissioner, shall be attached to the deposition; but such notice need not name the owner, master, or charterer, and such owner, master, or charterer, or their agent, may cross-examine such witness; but no examination shall be adjourned for more than twenty-four hours, unless by reason of sickness of such witness.

2067. Such deposition and certified copies thereof shall be evidence in any action then and thereafter pending between any of the passengers on such voyages and the said ship, or her owners, master, or charterers victualing, manning, and navigating her for such voyage upon any claim involving the facts therein testified to.

2068. The commissioners of emigration are authorized and required to sell at public auction, to the highest bidder, all unclaimed baggage, goods, or other personal property of emigrant passengers arriving in vessels at the port of New York one year after the same shall have come into their possession, provided the sale shall be advertised with a full description of said baggage, goods, or other personal property, together with the time and place of said sale, for the period of four weeks in at least two daily papers published in the city of New York; and the cost of such advertising and sale and the necessary expenses incident thereto shall be a lien on said baggage, goods, or other personal property. The proceeds of such sales, after deducting the costs and expenses as aforesaid, shall be deposited in the New York Life and Trust Company, subject to the claim of the rightful owner, for the term of two years, and after then shall be applied to the legitimate uses of the commissioners of emigration, less the costs and expenses.

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ACTS OF 1883.

I.

[New York Laws, 1883, ch. 105, p. 93.]

AN ACT Relative to an appropriation for the commissioners of emigration, provided by chapter 385 of the laws of 1882, and defining their authority.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The comptroller of the State is hereby prohibited from drawing his warrant for the payment to the commissioners of emigration, under the provisions of section 1 of an act entitled "An act making appropriations for the commissioners of emigration," passed July 1, 1882, of any sums of money which, with the amounts already paid to said commissioners from such appropriation, shall exceed in the aggregate the sum of one hundred and thirty thousand dollars, of which said sum fifty thousand dollars, or so much thereof as may be necessary, shall be expended only in the repair and improvement of the property belonging to the State in use by the commissioners of emigration, and until the expiration of thirty days after the final adjournment of the present legislature the said commissioners shall have no power to enter into any contract which is not by its terms to be finally completed and performed on or before the 1st day of July, 1883.

SEC. 2. So much of section 1 of an act entitled "An act making an appropriation for the commissioners of emigration," passed July 1, 1882, as appropriates any greater sum than one hundred and thirty thousand dollars for the use of the commissioners of emigration is hereby repealed.

SEC. 3. This act shall take effect immediately.

Passed March 15, 1883, three-fifths being present.

II.

[New York Laws, 1883, ch. 286, p. 336.]

AN ACT To amend the laws relating to alien immigrants and to secure an improved administration of alien immigration.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. Within ten days after the passage of this act the governor, by and with the advice and consent of the senate, shall appoint a commissioner of immigration of the State of New York, who shall hold office for five years and until his successor shall have been appointed and qualified, unless sooner removed, according to the provisions of this act, and whenever a vacancy shall occur in such office the governor, by and with the advice and consent of the senate, shall appoint a successor thereto for the like term of five years. Any commissioner of immigration, including commissioners ex officio, may be suspended or removed from office by the governor whenever, in his judgment, the public interests shall so require, but in any such case of removal the governor shall file with the secretary of state a statement

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of the cause of such removal and shall also report the same thereof to the legislature at its next session. But no such suspension, unless renewed, shall continue for more than thirty days; and in case of the suspension or removal of any commissioner ex officio, any new president who may be chosen by the society the president of which shall have been suspended or removed as aforesaid, shall become and be a commissioner of immigration ex officio in the place and stead of the president so suspended or removed.

SEC. 2. Before entering upon the discharge of his duties, every such commissioner of immigration shall take and subscribe the constitutional oath of office and file the same with the secretary of state, and shall execute to the people of this State a bond in the penal sum of fifty thousand dollars, with two or more substantial freeholders of this State as sureties, who shall in the aggregate justify in the amount of one hundred thousand dollars, conditioned for the faithful discharge of the duties of his office and for truly accounting for all property and moneys which may be intrusted to him as such commissioner, which bond shall be subject to the approval of the comptroller and shall be renewed whenever and as often as the same may be required by the governor. The president from time to time of the German Society of the City of New York, a corporation incorporated on the 6th day of April, 1804, and the president from time to time of the Irish Emigrant Society, a corporation incorporated by chapter 226 of the laws of this State for the year 1844, are hereby constituted and made commissioners of immigration ex officio and with the commissioner named in the first section of this act shall constitute and be known as the board of immigration of the State of New York. Such commissioners ex officio shall have and possess, in conjunction with the said commissioner of immigration, all the powers and be subject to all the duties, obligations, and penalties by this act conferred or imposed on such commissioners, except as hereinafter provided.

SEC. 3. At the end of five days after the commissioner of immigration first appointed shall have fully qualified as hereinbefore provided, the terms of office of each and every of the present commissioners of immigration, and of all subordinates, employes, and agents, shall cease and determine, and all their power, authority, property, rights of property, archives, records, and possessions as such commissioners of immigration shall pass to and become vested in the said board of immigration and its successors, and thereafter the said board shall be charged with the execution of all laws now existing or which may hereafter be passed relating to alien immigrants and shall have and perform all the powers and duties now imposed upon commissioners of immigration by virtue of an act entitled "An act concerning passengers in vessels coming to the city of New York," passed May 5, 1847, and the various acts supplementary thereto and amendatory thereof, and also such power to contract with officers or agents of the United States of America as may hereafter become necessary or proper in respect of the property of this State devoted to the uses and purposes of immigrants by reason of federal legislation concerning the subject. If, in the opinion of the governor, any such federal legislation shall render unnecessary the continuance of any office pro-

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vided by this act he may, in his discretion, suspend the exercise of any such office until after the next session of the legislature, and during the period of said suspension no such suspended officer shall exercise any function of his office or be entitled to any salary.

SEC. 4. The commissioner of immigration shall keep complete accounts of all moneys received and disbursed by the board and a record of its official acts and of the business of its office, and such books and records and all the transactions of his office and all the departments thereof shall at all times be opened to inspection and visitation by the president of the principal national society of the city of New York, of any foreign country, or by the state board of health, or by the state board of charities, or by the mayor of the city of New York, or by the mayor of the city of Brooklyn. The board shall also render to the comptroller a quarterly statement of the receipts and disbursements. The commissioner in the first section of this act mentioned shall receive an annual salary of six thousand dollars, and besides this he shall not have or receive to his own use any fees, percentages, or allowances of any kind whatever, nor shall he, during his term of office, engage in or devote himself to any other regular business or employment. Neither of the said commissioners ex officio shall receive any fees, percentages, allowances, or emoluments, or profits whatever, directly or indirectly, for their services under this act or any business of the said board, and no commissioner shall be pecuniarily interested or concerned in any business, trade, or calling in connection with immigration or immigrants coming to or arriving at the port of New York.

SEC. 5. The board of immigration shall not make any expenditure nor incur any liability (unless the comptroller shall in writing otherwise consent) for any sum in excess of two hundred and fifty dollars, except after publicly inviting and receiving sealed bids and proposals (secured by such deposit as he may prescribe) or the performance of the work or the furnishing of the supplies which may be called for, and upon the due opening of such bids the right to do such work or furnish such supplies at the price specified shall immediately vest in the lowest bidder unless within ten days thereafter the commissioner of immigration and the comptroller shall unite in a written certificate to the effect that the best interests of the State require that such contract should so vest, in which event such contract shall not be made except after new bids and proposals shall have been invited and received according to the provisions of this act.

SEC. 6. The board of immigration, with the approval of the comptroller, shall and from time to time may frame and publish proper regulations and schedules of maximum prices according to which the various classes of service and commodities may be furnished to immigrants within the limits of Castle Garden or any other state depot for the reception and landing of immigrants, and after such regulations and schedules of maximum prices shall have been so made and published, and according to which the baggage or other property of immigrants may be carried from Castle Garden or any state depot to any point within New York City or its vicinity, no greater price shall in any instance be charged or collected, and the board of immigration shall invite and receive sealed bids and proposals for the privilege of furnishing such service or commodity (either exclusively

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or in common with others, as the case may require) to the immigrants within the state depot for the reception of immigrants, or of transporting their baggage or other property, and after the opening of such bids the privilege therein referred to shall vest in and belong to the person offering the most favorable terms for the immigrant and the State, according to the written certificate of the board and the comptroller, to be made within ten days after such bids are opened; and such person shall be entitled to exercise such privilege until the board of immigration, with the written approval of the comptroller, shall certify in writing that the interests of the immigrant or the State require that new proposals should be received for such privilege, whereupon such new proposals shall be invited and received, and the most favorable bidder thereon shall, in the same manner as herein provided, be entitled to exercise such privilege either exclusively or in common with others as aforesaid. But nothing in this law contained is intended, nor shall any part hereof be construed, as limiting the power of the board of immigration to arrange with the Irish Emigrant Society and the German Society for a continuance of the management of the labor bureau as the same is now conducted, or to arrange with the various companies for the transportation of passengers for the most advantageous and expeditious carriage of immigrants. All moneys resulting from the sale of privilege shall be devoted exclusively to the maintenance of the office of the board of immigration and of the business thereof. But any person or persons now enjoying privileges at Castle Garden shall not, except with their consent, be deprived thereof before July 1, 1883, and the prices of service and food furnished to immigrants shall be as near cost as may be practicable.

SEC. 7. The commissioner of immigration shall appoint, and may at pleasure remove (provided the cause of removal shall be first communicated to the governor and approved by him), a first deputy commissioner and a second deputy commissioner, whose respective duties shall be prescribed by him and who shall be under his supervision and control, and all other subordinates, employees, and agents, except that on the dismissal or removal of any such officers, subordinates, employees, or agents he shall file with the board, and also with the comptroller of the State, his reasons, and the causes at length and in detail for such dismissal or removal, and any proofs taken by or through him. Each deputy commissioner shall take, subscribe, and file as before provided for the commissioner the constitutional oath of office, and in case of the inability of the commissioner to perform the duties of his office, from sickness, absence, or any other cause, his duties may be discharged and his powers exercised by either deputy commissioner when so authorized by the commissioner by writing, stating the cause of such delegation of power and the period during which such delegated power may be exercised unless sooner revoked, or when so authorized by the governor in any case where he may be satisfied of the inability of the commissioner to perform his duties. The first deputy commissioner shall be general superintendent (under the commissioner) at Castle Garden or other state depot for the reception of immigrants, and shall have general charge of such landing and reception of immigrants and of the transportation of such as are sick or destitute to

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the hospital or refuge. He shall receive an annual salary of four thousand dollars. The second deputy commissioner shall be superintendent and (under the commissioner) chief executive officer in charge of the buildings, grounds, and affairs connected with or devoted to immigrants or the purposes of immigration at Ward's Island. He shall during his tenure of office occupy a suitable residence belonging to the State on Ward's Island, and in addition to the use thereof shall receive proper fuel and light and an annual salary of twenty-five hundred dollars. All subordinates appointed by the commissioner under this section shall be persons who served in the Army or Navy of the United States during the late war and have been honorably discharged, in all cases where in the opinion of the commissioner the interests of the State may be best subserved by such appointment.

SEC. 8. The period for which an alien immigrant landing at the port of New York shall be chargeable to the "Immigrant fund" and be entitled to admission to the state immigrant institutions under the control of the board of immigration shall hereafter be one year from the date of the first arrival of the said immigrant at the port of New York.

SEC. 9. All moneys received by the said board from any source whatsoever, except from the treasury of the State, shall be paid monthly into the said treasury, and shall be kept as a separate fund to be known as the "Immigrant fund." The said fund and all other moneys in the treasury of the State applicable thereto, or so much thereof as may be necessary for the current expenses and outlays of the said board, shall be paid to said board by the treasurer of the State on the warrant of the comptroller, who is directed to draw the same in favor of said board upon the requisition of said board monthly, which requisition of said board shall be accompanied by a detailed statement duly verified of the objects and purposes for which such requisition is drawn and such money needed.

SEC. 10. This act shall take effect immediately.

Passed April 21, 1883, three-fifths being present.

III.

[New York Laws, 1883, ch. 517, p. 710.]

AN ACT To authorize the payment of certain moneys in certain cases for defraying the expenses of the commission of emigration.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. In case, during the year 1883 and up to the 1st day of April, 1884, the amounts received from the United States and from other sources and paid into the treasury of the State and constituting the emigration fund, shall not be sufficient to bear and defray the current expenses of the board of emigration, such board of emigration is hereby authorized and empowered, at any time and from time to time as such insufficiency may arise, to make requisition upon the comptroller of the State for such sum of money as may be required to pay and discharge such current expenses or the part thereof which shall be in excess of its ability otherwise to pay and

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discharge, and the said comptroller shall, upon the receipt of any such requisition, stating the objects and items of such expenses and the necessity for such requisition, draw his warrant to the order of said board of emigration upon the treasurer of the State, who is hereby directed to pay the same to the amount of such requisition and the warrants drawn therefor from time to time, but not in excess of the amount indicated in the second section of this act.

SEC. 2. The balance remaining unexpended of the sum of two hundred thousand dollars appropriated by chapter 385 of the laws of 1882, "for the purpose of defraying the current expenses of the commissioners of emigration," may be used and expended for the purposes and in the case mentioned in the first section of this act.

SEC. 3. This act shall take effect immediately.

Passed June 2, 1883, three-fifths being present.

ACT OF 1892.

[New York State Laws, 1892, ch. 531, p. 1061.]

AN ACT To amend chapter 523 of the laws of 1851 entitled "An act to amend chapter 483 of the laws of 1847, chapter 350 of the laws of 1849, chapter 275 of the laws of 1850, and chapter 339 of the laws of 1850, acts concerning passengers coming to the city of New York, and the public health."

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. Section 8 of chapter 523 of the laws of 1851 entitled "An act to amend chapter 483 of the laws of 1847, chapter 350 of the laws of 1849, chapter 275 of the laws of 1850, and chapter 339 of the laws of 1850, acts concerning passengers coming to the city of New York, and the public health," is hereby amended so as to read as follows:

SEC. 8. The commissioners of emigration are hereby authorized, empowered, and directed, within thirty days after the passage of this act, to give a deed of conveyance for any or all lands which have been purchased or otherwise acquired by them as such commissioners, with all the buildings thereon and the appurtenances, equipments, and furniture thereof, to the mayor, aldermen, and commonalty of the city of New York: *Provided*, That all the indebtedness of the said commission for maintenance and support of emigrants arising under the provisions of section 5 of chapter 195 of the laws of 1847, and acts amendatory thereof, as the same are specified in the report of the commissioners of emigration to the legislature for the year 1880, at pages 34 and 35, together with interest thereon from the 1st day of May, 1876, and also the mortgage given by the commissioner of emigration to the Emigrant Industrial Savings Bank of the City of New York, dated October 25, 1875, upon the lands upon Wards Island, together with the interest thereon, shall be assumed by and become chargeable against the said the mayor, aldermen, and commonalty of the city of New York, and shall be provided for and paid in the same manner that other indebtedness of said city is provided for and paid: *And further provided*, That the said city shall pay to the comptroller of the State, for the use of the general fund, such additional sum of money as, together with the money due on said indebtedness and on said mortgage, will aggregate the sum of one million dollars: *And further provided*, That in the event of the neglect or refusal of the said the mayor, aldermen, and commonalty of the city of New York to provide for and pay the sums of money hereinbefore mentioned within one year after the passage of this act, the same may be recovered in an action at law against the said city and shall be and remain a lien upon said land and buildings until they are fully paid. And the said the mayor, aldermen, and commonalty of the city of New York are hereby authorized to take and acquire title to said lands wherever sit-

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uated, and to hold such of said lands and buildings as are situated upon Great Barn or Wards Island, in the city and county of New York, together with the land under water belonging to the State around said island, extending from the shore thereof to the exterior line established by law, with all the buildings thereon, for general charitable purposes and uses, and upon the execution and delivery of the necessary deed or deeds, which shall contain a condition to the effect that such property shall be forever used for general charitable pruposes, and upon the completion of the transfer of the lands and property hereinbefore described to the said the mayor, aldermen, and commonalty of the city of New York, the term of office of each and all of the said commissioners of emigration shall cease and determine.

SEC. 2. If the mayor, aldermen, and commonalty of the city of New York shall at any time hereafter transfer said lands and buildings, or any part thereof, to the State, under the provisions of chapter 126 of the laws of 1890, the consideration to be paid therefor by the State shall be the sum of one million dollars; or in case only a portion of said land and buildings are transferred, then an equitable portion of said amount to be fixed by the commission hereinafter mentioned, and in addition thereto the fair value of such buildings and other improvements as may have been erected or made upon the lands so transferred, after the city of New York shall have acquired title to the same, to be estimated and appraised by the state comptroller, the state engineer and surveyor, and the president of the state board of charities, who are hereby appointed a commission for the purposes mentioned in this section.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect immediately.

Approved by the governor, May 12, 1892.

ACT OF 1904.

[New York State Laws, 1904, ch. 326, p. 863.]

AN ACT To amend the insanity law, providing for the examination of immigrants at the port of New York to ascertain their mental condition.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. Article 1 of chapter 545 of the laws of 1896, entitled "An act in relation to the insane, constituting chapter 28 of the general laws," is hereby amended by adding at the end thereof a new section, to be known as section 18 and to read as follows:

SEC. 18. *Board of alienists for examination of insane, idiotic, imbecile, and epileptic immigrants; powers and duties.*—A board of alienists for the examination of insane, idiotic, imbecile, and epileptic immigrants is hereby established. Such board shall consist of a chief examiner and two assistant examiners, to be appointed by the commission in lunacy. The chief examiner shall be a reputable physician, a graduate of an incorporated medical college, of at least ten years' actual experience in the practice of his profession, and of at least five years' experience in the care and treatment of the committed insane. The two assistant examiners shall be reputable physicians, graduates of an incorporated medical college, of at least three years' actual experience in the practice of their profession and of at least one year's experience in the care and treatment of the committed insane. The chief examiner shall receive an annual salary of five thousand dollars, and each assistant shall receive an annual salary of three thousand dollars, to be paid in the same manner as the salaries of the assistants and clerks of the commission in lunacy. Each of

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such examiners shall devote his entire time to the performance of the duties of the board, and while engaged therein shall reside at the port of New York. Arrangements shall be made by the commission in lunacy for the proper accommodation of such board either with the board of commissioners of quarantine at the port of New York or with the proper authorities of the United States having control of the inspection and examination of immigrants at such port. Such board shall inspect and examine all immigrants coming into this country at the port of New York for the purpose of ascertaining whether any of them be insane, idiotic, imbecile, or epileptic. The board shall notify the proper authorities of the United States having control of the enforcement of the immigration laws at such port of such immigrants as are found to be insane, idiotic, imbecile, or epileptic, and shall arrange for their deportation in accordance with the provisions of such laws. The duties hereby imposed upon such board shall be performed under the supervision of the commission in lunacy and in accordance with rules adopted by it. The commission may impose such other duties on such board as it may deem necessary and proper for carrying out the general purposes and intent of this section. The commission may employ such other persons as they deem necessary for the purpose of carrying into effect the provisions of this section. The port wardens of the port of New York shall, when requested by the commission or by any member of such board of alienists, assist in arranging for the deportation of such insane, idiotic, imbecile, or epileptic immigrants, and shall perform such duties in respect to the enforcement of this section as may be reasonably required of them by the commission or any member of such board.

SEC. 2. This act shall take effect immediately.

Became a law April 13, 1904, with the approval of the governor. Passed, three-fifths being present.

ACT OF 1906.

[New York State Laws, 1906, ch. 296, p. 688.]

AN ACT To amend the insanity law relative to the examination of immigrants at the port of New York, and the alien and nonresident insane in the State of New York to ascertain their mental condition.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. Section 18 of article 1 of chapter 545 of the laws of 1896, entitled "An act in relation to the insane, constituting chapter 28 of the general laws," as added by chapter 326 of the laws of 1904, is hereby amended to read as follows:

SEC. 18. *Board of alienists for examination of insane, idiotic, imbecile, and epileptic immigrants, alien and nonresident insane; power and duties.*—A board of alienists for the examination of insane, idiotic, imbecile, and epileptic immigrants, alien and nonresident insane is hereby established. Such board shall consist of three examiners to be appointed by the commission in lunacy, one of whom shall be designated by the commission as chief examiner. Each examiner shall be a reputable physician, a graduate of an incorporated medical college, of at least ten years' actual experience in the practice of his profession, and of at least five years' experience in the care and treatment of the committed insane in the New York State hospitals. Each examiner shall receive an annual salary of five thousand dollars, to be paid in the same manner as the salaries of the assistants and clerks of the commission in lunacy. The members of such board shall hold office during good behavior, and be removable by the commission for cause, after an opportunity to be heard has been given. Each of such examiners shall devote his entire time to the performance of the duties of the board and while engaged therein shall reside at the port of New York. The commission in lunacy shall endeavor to arrange for the proper accommodation of such board with the proper authorities of the United States having control of the inspection and examination of immigrants at the port of New York and for official recognition of such board for carrying

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out the purposes of this section. Arrangements may be made by the commission in lunacy for suitable offices in the city of New York for the accommodation of such board, and the employment of such other persons as may be deemed necessary by them for the proper carrying into effect of the provisions and intent of this section. Such board shall inspect and examine immigrants coming into this country at the port of New York for the purpose of ascertaining whether any of them be insane, idiotic, imbecile, or epileptic, and all alien and nonresident insane in the State hospitals and public institutions who are or who become public charges, for the purpose of determining whether they are suitable cases for deportation or removal. The superintendents of such hospitals and public institutions shall notify such board of all such cases coming under their jurisdiction and furnish all aid and information possible to accomplish the deportation and removal of such aliens and nonresidents. The board shall notify the proper authorities of the United States having control of the enforcement of the immigration laws at such port of such immigrants as are found to be insane, idiotic, imbecile, or epileptic, and such insane aliens as are or become public charges and shall arrange for their deportation in accordance with the provisions of such laws. And in the case of nonresidents they shall notify the State commission in lunacy of the location of the same and in all suitable cases the commission shall grant the board the necessary authority for the investigation and removal of such nonresident insane. The duties hereby imposed upon such board shall be performed under the supervision of the commission in lunacy, and in accordance with rules adopted by it. The commission may impose such other duties on such board as it may deem necessary and proper for carrying out the general purposes and intent of this section. Each of the members of such board shall be empowered to administer an oath when necessary to persons giving information relative to cases under investigation.

SEC. 2. This act shall take effect immediately.

Became a law April 23, 1906, without the approval of the governor. Passed, three-fifths being present.

ACTS OF 1908.

I.

[New York State Laws, 1908, ch. 210, p. 529.]

AN ACT To establish a commission to inquire into the condition, welfare, and industrial opportunities of aliens into the State of New York and making an appropriation therefor.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The governor is hereby empowered to appoint a commission of immigration, which shall consist of nine members, who shall serve without compensation, and which shall make full inquiry, examination, and investigation into the condition, welfare, and industrial opportunities of aliens in the State of New York. For this purpose said commission is hereby authorized to send for persons and papers, administer oaths, and to examine witnesses and papers respecting all matters pertaining to this subject, and to employ all necessary clerical and other assistance. Said commission shall make a full and final report to the governor, including such recommendations for legislation as in its judgment may seem proper.

SEC. 2. For this purpose the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

SEC. 3. This act shall take effect immediately.

Became a law May 6, 1908, with the approval of the governor. Passed, three-fifths being present.

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II.

[New York State Laws, 1908, ch. 213, p. 533.]

AN ACT To amend the insanity law relative to the duties of the state board of alienists.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. Section 18 of chapter 545 of the laws of 1896, entitled "An act in relation to the insane, constituting chapter 28 of the general laws" as added by chapter 326 of the laws of 1904 and amended by chapter 296 of the laws of 1906, is hereby amended to read as follows:

SEC. 18. *Board of alienists for examination of insane, idiotic, imbecile, and epileptic immigrants, alien and nonresident insane; powers and duties.*—A board of alienists for the examination of insane, idiotic, imbecile, and epileptic immigrants, alien and nonresident insane, is hereby established. Such board shall consist of three examiners to be appointed by the commission in lunacy, one of whom shall be designated by the commission as chief examiner. Each examiner shall be a reputable physician, a graduate of an incorporated medical college, of at least ten years' actual experience in the practice of his profession, and of at least five years' experience in the care and treatment of the committed insane in the New York state hospitals. Each examiner shall receive an annual salary of five thousand dollars, to be paid in the same manner as the salaries of the assistants and clerks of the commission in lunacy. The members of such board shall hold office during good behavior and be removable by the commission for cause, after an opportunity to be heard has been given. Each of such examiners shall devote his entire time to the performance of the duties hereby imposed upon him and while engaged therein shall reside at the port of New York. The commission in lunacy shall endeavor to arrange for the proper accommodation of such board with the proper authorities of the United States having control of the inspection and examination of immigrants at the port of New York and for official recognition of such board for carrying out the purposes of this section. Arrangements may be made by the commission in lunacy for suitable offices in the city of New York for the accommodation of such board and the employment of such other persons as may be deemed necessary by them for the proper carrying into effect of the provisions and intent of this section. Such board shall inspect and examine immigrants coming into this country at the port of New York for the purpose of ascertaining whether any of them be insane, idiotic, imbecile, or epileptic, and all alien and nonresident insane in the state hospitals and public institutions who are or who become public charges for the purpose of determining whether they are suitable cases for deportation or removal. The superintendents of such hospitals and public institutions shall notify such board of all such cases coming under their jurisdiction and furnish all aid and information possible to accomplish the deportation and removal of such aliens and nonresidents. The board shall notify the proper authorities of the United States having control of the enforcement of the immigration laws at such port of such immigrants as are found to be insane, idiotic, imbecile, or epileptic, and such insane aliens as are or become public charges, and shal arrange for their deportation in accordance with the provisions of such laws. And in the case of nonresidents they shall notify the state commission in lunacy of the location of the same, and in all suitable cases the commission shall grant the board the necessary authority for the investigation and removal of such nonresident insane. The duties hereby imposed upon such board shall be performed under the supervision of the commission in lunacy and in accordance with rules adopted by it. The commission may impose such other duties on such board as it may deem proper and necessary for carrying out the general purposes and intent of this section, and may also from time to time, when necessary, detail a member of said board to temporarily assist the medical inspector in the performance of his duties. Each of the members of such board shall be empowered to administer an oath when necessary to persons giving information relative to cases under investigation.

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SEC. 2. This act shall take effect immediately.

Became a law May 6, 1908, with the approval of the governor. Passed, three-fifths being present.

ACTS OF 1910.

I.

[New York State Laws, 1910, ch. 514, p. 1184.]

AN ACT To amend the labor law, relating to the department of labor, and creating therein a new bureau.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The chapter syllabus of chapter 36 of the laws of 1909, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," is hereby amended to read as follows:

LABOR LAW.

Article 1. Short title; definitions.
2. General provisions.
3. Department of labor.
4. Bureau of labor statistics.
5. Bureau of factory inspection.
6. Factories.
7. Tenement-made articles.
8. Bakeries and confectioneries.
9. Mines, tunnels, and quarries and their inspection.
10. Bureau of mediation and arbitration.
10a.[a] Bureau of industries and immigration.

SEC. 2. Sections 42, 43, and 44 of said act are hereby amended to read as follows:

SEC. 42. *Bureaus.*—The department of labor shall be divided into five[b] bureaus, as follows: Factory inspection, labor statistics, mediation and arbitration, industries and immigration,[c] and mercantile inspection.

SEC. 43. *Powers.*—(1) The commissioner of labor, his deputies and their assistants, and each special agent, deputy factory inspector, chief investigator, special investigators,[d] mercantile inspector, or deputy mercantile inspectors may administer oaths and take affidavits in matters relating to the provisions of this chapter.

(2) No person shall interfere with, obstruct, or hinder, by force or otherwise, the commissioner of labor, his deputies, their assistants, or the special agents, deputy factory inspectors, chief investigator, special investigators, the mercantile inspector, or deputy mercantile inspectors, while in the performance of their duties, or refuse to properly answer questions asked by such officers pertaining to the provisions of this chapter, or refuse them admittance to any place where and when labor is being performed which is affected by the provisions of this chapter.

(3) All notices, orders, and directions of deputies, assistants, special agents, deputy factory inspectors, chief investigator, special investigators, the mercantile inspector, or deputy mercantile inspectors, given in accordance with this chapter, are subject to the approval of the commissioner of labor. And all acts, notices, orders, permits, and directions by any provisions of this chapter directed to be performed or given by the factory inspector, chairman of the board of mediation and arbitration, chief investigator, special investigators, mercantile inspector, or other officer of the department of labor may be performed or given by and in the name of the commissioner of labor and by any kind of officer of

[a] Section 10a is new.
[b] Formerly "four."
[c] Words "industries and immigration" new.
[d] Words "chief investigator, special investigators," new.

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the department thereunto duly authorized by such commissioner in the name of such commissioner.

SEC. 3. The said act is further hereby amended by inserting between articles 10 and 11 thereof a new article, to be known as article 10a, which shall read as follows:

ARTICLE 10a.

BUREAU OF INDUSTRIES AND IMMIGRATION.

SEC. 151. *Bureau of industries and immigration.*—There shall be a bureau of industries and immigration, which shall be under the immediate charge of a chief investigator, but subject to the supervision and direction of the commissioner of labor.

SEC. 152. *Special investigators.*—The commissioner of labor may appoint from time to time not more than twelve persons as special investigators, not more than two of whom shall be women, and who may be removed by him at any time. The special investigators may be divided into two grades. Each special investigator of the first grade shall receive an annual salary of twelve hundred dollars, and each of the second grade an annual salary of fifteen hundred dollars.

SEC. 153. *General powers and duties.*—(1) The commissioner of labor shall have the power to make full inquiry, examination, and investigation into the condition, welfare, and industrial opportunities of all aliens arriving and being within the State. He shall also have power to collect information with respect to the need and demand for labor by the several agricultural, industrial, and other productive activities, including public works throughout the State; to gather information with respect to the supply of labor afforded by such aliens as may from time to time arrive or be within the State; to ascertain the occupations for which such aliens shall be best adapted, and to bring about intercommunications between them and the several activities requiring labor which will best promote their respective needs; to determine and investigate the genuineness of any application for labor that may be received and the treatment accorded to those for whom employment shall be secured; to cooperate with the employment and immigration bureaus conducted under authority of the Federal Government or by the government of any other State, and with public and philanthropic agencies designed to devise and carry out such other suitable methods as will tend to prevent or relieve congestion and obviate unemployment.

(2) The commissioner of labor shall procure, with the consent of the federal authorities, complete lists giving the names, ages, and destination within the State of all alien children of school age, and such other facts as will tend to identify them, and shall forthwith deliver copies of such lists to the commissioner of education or the several boards of education and school boards in the respective localities within the State to which said children shall be destined, to aid in the enforcement of the provisions of the education law relative to the compulsory attendance at school of children of school age.

(3) The commissioner of labor shall further cooperate with the commissioner of education and with the several boards of education and school commissioners in the State, to devise methods for the proper instruction of adult and minor aliens in the English language and in respect to the duties and rights of citizenship and the fundamental principles of the American system of government, and otherwise to further their education.

(4) The commissioner of labor may inspect all labor camps within the State; and shall inspect all employment and contract-labor agencies dealing principally with aliens, or who secure or negotiate contracts for their employment within the State; shall cooperate with other public authorities, to enforce all laws applicable to private bankers dealing with aliens and laborers; secure information with respect to such aliens who shall be in prisons, almshouses, and insane asylums of the State, and who shall be deportable under the laws of the United States, and cooperate with the federal authorities and with such officials of the State having jurisdiction over such criminals, paupers, and insane aliens who shall be confined as aforesaid, so as to facilitate the deportation of such persons as shall come within the provisions of the aforesaid laws of the United States relating to deportation; shall investigate and inspect

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institutions established for the temporary shelter and care of aliens, and such philanthropic societies as shall be organized for the purpose of securing employment for or aiding in the distribution of aliens, and the methods by which they are conducted.

5. The commissioner of labor shall investigate conditions prevailing at the various places where aliens are landed within this State, and at the several docks, ferries, railroad stations, and on trains and boats therein, and in cooperation with the proper authorities afford them protection against frauds, crimes, and exploitations; shall investigate any and all complaints with respect to frauds, extortion, incompetency, and improper practices by notaries public, interpreters, and other public officials, and present to the proper authorities the results of such investigation for action thereon; shall investigate and study the general social conditions of aliens within this State for the purpose of inducing remedial action by the various agencies of the State possessing the requisite jurisdiction; and shall generally, in conjunction with existing public and private agencies, consider and devise means to promote the welfare of the State.

SEC. 154. *Proceedings before the commissioner of labor.*—Any investigation, inquiry, or hearing which the commissioner of labor has power to undertake or to hold may, by special authorization from the commissioner of labor, be undertaken or held by or before the chief investigator, and any decision rendered on such investigation, inquiry, or hearing, when approved and confirmed by the commissioner and ordered filed in his office, shall be and be deemed to be the order of the commissioner. All hearings before the commissioner or chief investigator shall be governed by rules to be adopted and prescribed by the commissioner; and in all investigations, inquiries, or hearings the commissioner or chief investigator shall not be found by technical rules of evidence. No person shall be excused from testifying or from producing any books or papers on any investigation or inquiry by or upon any hearing before the commissioner or chief investigator, when ordered to do so, upon the ground that the testimony or evidence, books or documents required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act, transaction, matter, or thing concerning which he shall under oath have testified or produced documentary evidence: *Provided, however*, That no person so testifying shall be exempt from punishment or prosecution for any perjury committed by him in his testimony.

SEC. 155. *Registration and reports of employment agencies.*—The term "employment agency" as used in this act shall include any person, firm, corporation, or association regularly engaging in the business of negotiating labor contracts or of receiving applications for help or labor or for places or positions, excepting such as shall conduct agencies exclusively for procuring employment for teachers, for incumbents of technical, clerical, or executive positions, for vaudeville or theatrical performers, musicians, or nurses, and also excepting bureaus conducted by registered agricultural or medical institutions, and excepting also departments maintained by persons, firms, corporations, or associations for the purpose of securing help for themselves where no fee is charged the applicant for employment. All employment agencies other than those herein excepted shall, on or before the 1st day of October, 1910, and annually thereafter, file with the commissioner of labor a statement containing the name of the person, firm, corporation, or association conducting such agency, the street and number of the place where the same shall be conducted, and showing whether said agency is licensed or unlicensed, and, if licensed, specifying the date and duration of the license, by whom granted, and the number thereof. Such statements shall be registered by the commissioner. Every such employment agency shall keep in the office thereof a full record of the country of the birth of those for whom places or positions are secured, their length of residence in this country, and the name and address of the person, firm, or corporation to whom the persons for whom such places or positions are secured shall be sent, the occupation for which employment shall be secured, and the compensation to be paid to the person employed. The books and records of every such agency shall at all reasonable hours be subject to examination by the commissioner of labor. Any person who shall fail to register with the commissioner of labor or to keep books or records shall be guilty of a misdemeanor, and shall be punishable for the first offense by a fine of not less than ten dollars nor more than twenty-five dollars, and for every subsequent offense

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by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

SEC. 156. *Reports.*—The commissioner of labor shall make an annual report to the legislature of the operation of this bureau.

SEC. 4. This act shall take effect September 1, 1910.

Became a law June 18, 1910, with the approval of the governor. Passed, three-fifths being present.

II.

[New York State Laws, 1910, ch. 604, p. 1542.]

AN ACT To amend the insanity law in relation to the qualifications of the members of the board of alienists.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. Section 19 of chapter 32 of the laws of 1909, entitled "An act in relation to the insane, constituting chapter 27 of the consolidated laws," is hereby amended to read as follows:

SEC. 19. *Board of alienists for examination of insane, idiotic, imbecile, and epileptic immigrants, alien and nonresident insane; power and duties.*—There shall continue to be a board of alienists for the examination of insane, idiotic, imbecile, and epileptic immigrants, and alien and nonresident insane, which shall consist of three examiners, to be appointed by the commission in lunacy, one of whom shall be designated by the commission as chief examiner. Each examiner shall be a reputable physician, a graduate of an incorporated medical college, of at least ten years' actual experience in the practice of his profession, and of at least five years' experience in the care and treatment of the committed or alleged [a] insane in the New York State hospitals, or elsewhere.[b] Each examiner shall receive an annual salary of five thousand dollars, to be paid in the same manner as the salaries of the assistants and clerks of the commission in lunacy. The members of such board shall hold office during good behavior and be removable by the commission for cause, after an opportunity to be heard has been given. Each of such examiners shall devote his entire time to the performance of the duties hereby imposed upon him, and while engaged therein shall reside at the port of New York. The commissioner in lunacy shall endeavor to arrange for the proper accommodation of such board with the proper authorities of the United States having control of the inspection and examination of immigrants at the port of New York and for official recognition of such board for carrying out the purposes of this section. Arrangements may be made by the commission in lunacy for suitable offices in the city of New York for the accommodation of such board and the employment of such other persons as may be deemed necessary by them for the proper carrying into effect of the provisions and intent of this section. Such board shall inspect and examine immigrants coming into this country at the port of New York for the purpose of ascertaining whether any of them be insane, idiotic, imbecile, or epileptic, and all alien and nonresident insane in the state hospitals and public institutions who are or who become public charges, for the purpose of determining whether they are suitable cases for deportation or removal. The superintendents of such hospitals and public institutions shall notify such board of all such cases coming under their jurisdiction and furnish all aid and information possible to accomplish the deportation and removal of such aliens and nonresidents. The board shall notify the proper authorities of the United States having control of the enforcement of the immigration laws at such port of such immigrants as are found to be insane, idiotic, imbecile, or epileptic, and such insane aliens as are or become public charges, and shall arrange for their deportation in accordance with the provisions of such laws. And in the case of nonresidents

[a] Words "or alleged" new. [b] Words "or elsewhere" new.

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they shall notify the state commission in lunacy of the location of the same, and in all suitable cases the commission shall grant the board the necessary authority for the investigation and removal of such nonresident insane. The duties hereby imposed upon such board shall be performed under the supervision of the commission in lunacy and in accordance with rules adopted by it. The commission may impose such other duties on such board as it may deem necessary and proper for carrying out the general purposes and intent of this section, and may also from time to time, when necessary, detail a member of said board to temporarily assist the medical inspector in the performance of his duties. Each of the members of such board shall be empowered to administer an oath when necessary to persons giving information relative to cases under investigation.

SEC. 2. This act shall take effect immediately.

Became a law June 23, 1910, with the approval of the governor. Passed, three-fifths being present.

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NORTH CAROLINA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1871 (an act to encourage immigration into North Carolina and to increase the capital of the State).—The act of 1871 chartered the North Carolina Land Company for the purpose of developing the resources of the State, securing immigration, and encouraging investments. The president of the company is appointed commissioner of immigration, with power to promote the purposes contemplated by this act.

Act of 1871 (an act for the promotion of immigration and the settlement of the unimproved lands of the State).—The act of 1870 incorporates the Railroad Immigration Association. It empowers the association to conduct a general land and emigration business, to take measures for the transportation of persons and property into the State, to employ immigration agents, and "to take all proper and customary measures for the comfort and interests of immigrants and settlers."

Act of 1874 (an act to establish a bureau of immigration, statistics, and agriculture).—The act of 1873–74 created a bureau of statistics, immigration, and agriculture, and authorizes a board of immigration of 13 members to be established. The objects shall be to promote the cause of immigration in order to utilize, develop, and build up the vast mineral, agricultural, and manufacturing resources of the State.

The act of 1874 was amended by act of December 19, 1874, which amendment provided for increasing the membership of the board of immigration.

Act of 1877 (an act to establish a department of agriculture, immigration, and statistics, and for the encouragement of sheep husbandry).—The act of 1877 created a department of agriculture, immigration, and statistics, under the control and supervision of a board selected from the different sections of the State. The board shall prescribe the duties of the commissioner in charge. The board may administer any funds provided for promoting the interests or purposes of the act. It shall regulate work of county agricultural societies chartered by the State and require reliable reports of their operations. It may require the secretary of state and county officers to cooperate in obtaining data. It may employ immigration agents to represent the State in securing settlers.

Act of 1883 (an act to incorporate the Immigrant Land and Mineral Company of North Carolina).—By the act of 1883 the Immigrant Land and Mineral Company was incorporated for the purpose of facilitating and fostering the settlement of vacant lands and the development of the State's resources. The act contains no direct reference to immigration, and therefore is omitted from this compilation.

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Act of 1891 (an act relating to the bureau of immigration).—The act of 1891 unites the duties of the commissioner of agriculture and commissioner of immigration, and designates the administrative officer as commissioner of agriculture and immigration.

Act of 1905.—By the act of 1905 the statute of 1891 relating to the creation of a commissioner of agriculture and immigration is repealed.

Act of 1907 (an act to promote and encourage immigration, etc.).—The act of 1907 was passed to promote and encourage the immigration of a desirable class of trained, industrious, and economical farmers and other laborers to the State. The department of agriculture, immigration, and statistics shall prepare and keep for distribution illustrated literature containing all necessary information as to mines, minerals, forests, soils, climates, waters, water powers, fisheries, mountains, industries, attractions, and advantages which may be of interest to immigrants. The department may employ agents, in the interest of desirable immigration, in any points deemed expedient or desirable.

IMMIGRATION AND ALIEN LAWS.

ACTS OF 1871.

I.

[Laws of North Carolina, 1870–71, ch. 90, p. 171.]

AN ACT To encourage immigration into North Carolina and to increase the capital of the State.

Whereas the North Carolina Land Company was chartered by a special act of the general assembly on the 8th day of February, anno Domini 1869, for the purpose of developing the resources of the State; and

Whereas said company have materially aided in securing considerable immigration to this State, and in the investment of a large amount of capital; and

Whereas the people of North Carolina are deeply interested in having these objects more fully attained, and are desirous of manifesting to all people, whether native or foreign, a willingness to offer them a secure and safe asylum within its borders, and this general assembly desiring to aid these objects without increasing the burthens of the State:

The general assembly of North Carolina do enact:

SECTION 1. That George Little, president of the North Carolina Land Company, be, and he is hereby, appointed commissioner of immigration for North Carolina (without any salary) to carry out the provision of the act of incorporation aforesaid; and the said commissioner shall have power, with the advice of the governor, to appoint one or more persons to act as assistant commissioner (without salary) resident in Great Britain, France, and Germany.

SEC. 2. That the secretary of state be required to supply such number of printed copies of this act as may be necessary to furnish our consular agents in Europe and the agents of the company.

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SEC. 3. That the capital stock of said company (should the stockholders deem it advisable) may be increased to a sum not exceeding one million of dollars.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 2d day of March, A. D. 1871.

II.

[Laws of North Carolina, 1870–71, ch. 219, p. 343.]

AN ACT For the promotion of immigration and the settlement of the unimproved lands of the State.

The general assembly of North Carolina do enact, as follows:

SECTION 1. For the purpose of promoting immigration into this State, and the settlement of the unimproved lands of the State, a corporation is hereby created under the name of "The Railroad Immigration Association of North Carolina," to have perpetual succession and a common seal, which they may alter and change at their pleasure, and shall be capable of suing and being sued, of pleading and being impleaded, with capacity to hold real and personal estate.

SEC. 2. Said corporation shall consist of the Raleigh and Gaston Railroad Company, the Wilmington and Weldon Railroad Company, the Wilmington, Columbia and Augusta Railroad Company, the North Carolina Railroad Company, the Seaboard and Roanoke Railroad Company, the Petersburg Railroad Company, the Atlantic and North Carolina Railroad Company, the Wilmington, Charlotte and Rutherford Railroad Company, the Western Railroad Company, the Piedmont Railroad Company, the Charlotte and Atlantic Railroad Company, the Atlantic, Tennessee and Ohio Railroad Company, the Charlotte, Columbia and Augusta Railroad Company, the Chatham Railroad Company, the Williamston and Tarboro Railroad Company, the Edenton and Norfolk Railroad Company, the Northwestern North Carolina Railroad Company, and all other railroad companies now or hereafter to be incorporated, the whole or any portion of whose lines are in this State, or any one or more of said railroad corporations who may desire to become members of the corporation herein authorized.

SEC. 3. All railroad corporations agreeing to become stockholders of this association shall subscribe and pay annually, at such time as may be determined by the board of directors herein authorized, to the treasurer of the association, ten dollars per mile (or a larger amount if they shall deem it necessary, to carry into effect the object of this charter) for each mile of road in actual running order located in this State.

SEC. 4. The affairs of this association shall be managed by the general board of directors, to be formed as follows, viz: The directors of each subscribing corporation shall choose one director; these directors shall choose a president of the association; the presidents of the subscribing corporations shall be ex officio vice presidents of this association, and the general board of directors shall consist of said

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designated directors, of the vice presidents and the president of the association, which president, with the attorney, shall reside at Raleigh.

SEC. 5. The general board of directors may pass such by-laws for the government of the association as they may see fit, not inconsistent with the Constitution and the laws of the United States or of this State, and may appoint and remove an attorney, secretary, treasurer, and other officers, and fix their compensation and prescribe their duties.

SEC. 6. The railroad immigration association shall have power to buy, sell, lease, mortgage, or otherwise convey lands, to make advances of money or other things to settlers and others, on such terms and on such securities, real or personal, as may be agreed on, to negotiate for the purchase or sale of lands, to aid settlers and others in the purchase of lands or buildings or houses, and improving lands, and in general to carry on the business of a land and immigration company. The association may likewise own and manage steam or other vessels, and take measures for the transportation of persons and property into the State, and take all proper or customary measures for the comfort and interests of immigration and settlers. It shall likewise have power to appoint one or more commissioners and agents to visit or reside in Europe and other countries, as well as in the United States, for the purpose of soliciting immigration and carrying out the objects of this charter.

SEC. 7. Each railroad company becoming a member of this association shall, through its president, have control of all settlements of land and of all other business of the association along its line: *Provided, however*, That no expenditures of the funds of the association shall be made without the authority of the general board thereof; and all net profits made in carrying out the objects of this charter by any company shall be paid into the treasury of the association. Full reports of all proceedings and exhibit of accounts, as well as final settlements, shall be made at such time and in such manner as the general board of directors shall prescribe.

SEC. 8. Each railroad becoming a member of this association shall have authority to appoint agents, to be paid by the appointing company, for the purpose of inducing immigration to its line, but such agents shall be subject to the control of the general board of directors, and all questions involving the action of such agents shall be referred to such board of directors, whose decision shall bind the parties.

SEC. 9. All railroad companies in this State becoming members of this association shall transport bona fide immigrants and settlers actually making settlements in the State, for not exceeding one cent per mile for one trip, and their freight and baggage when moving in for settlement at not exceeding twenty cents per hundred pounds for one hundred miles. The provisions of this section shall extend to the carrying of persons and freights over all the lines of the members of this association, without regard to the place of settlement of the immigrants or settlers.

SEC. 10. If any net profits shall accrue to the railroad immigration association, they shall be divided among the subscribing companies in proportion to the net profits of each line, at such time as may be prescribed by the general board of directors.

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SEC. 11. The stockholders of this association shall prescribe the time and place of their annual meeting. The general board of directors may call a meeting of stockholders at any time they may think proper, and any number of stockholders having paid in one-tenth of the whole amount of stock paid, may call a special meeting, on notice of sixty days at least, in one or more newspapers published in Raleigh, specifying the purpose of the meeting. In all meetings each company shall be entitled to a vote in proportion to the amount paid in by the same, and each board of directors of said company shall appoint a proxy to cast the vote of their company, but none but the president or a director of such company shall be a proxy.

SEC. 12. A majority of the general board of directors of this association shall be a quorum for the transaction of business. If the president of the association be absent, the members present shall select a presiding officer.

SEC. 13. For the purpose of organizing this association, the board of directors of the first of the above-named railroad companies shall, through their president, within sixty days after the ratification of this act, call a meeting of the presidents of all the railroad companies herein authorized to become members of this association, and also of delegates, one to be appointed by each of the boards of said companies, at Raleigh, after giving fifteen days' notice of the time and place of meeting: *Provided*, That each board may, in their discretion, be represented by their president alone. At the meeting so held, the representatives of any one or more companies may accept this charter, and thereupon the association shall be fully organized, and the representatives so accepting shall provide for a meeting of the general board of directors hereinbefore authorized. But no company shall be bound by the action aforesaid, if the stockholders at the first meeting held thereafter shall disapprove such action.

SEC. 14. Any railroad company may retire from this association, after giving one year's notice, having first paid all its dues to the association, incurred up to the time of retirement.

SEC. 15. This act shall be in force from its ratification.

Ratified the 4th day of April, A. D. 1871.

ACTS OF 1874.

I.

[Laws of North Carolina, 1873–74, ch. 135, p. 214.]

AN ACT To establish a bureau of immigration, statistics, and agriculture.

Whereas the constitution of North Carolina, article three, section seventeen, provides, "There shall be established in the office of the secretary of state a bureau of agriculture, statistics, and immigration, under such regulations as the general assembly may provide"; and

Whereas the people of North Carolina, laboring under so many disadvantages, for the want of means to develop and make known the great resources of the State, and deeply interested in having these objects more fully attained, are desirous of manifesting to the people of every section of this Union, and those beyond its borders, a will-

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ingness to offer them a safe and secure asylum within its broad limits; and

Whereas it is the opinion of this general assembly that the people of the State of North Carolina greatly desire and will hail with delight the coming among us of all persons from the Eastern, Western, and Northern States or other countries, to assist in utilizing, developing, and building up of the vast mineral, agricultural, and manufacturing resources of the State; that kindness, sympathy, and protection will be extended to all such as desire to become citizens or to invest capital among us:

The general assembly of North Carolina do enact,

SECTION 1. That the secretary of state; the state geologist; the commissioners of immigration; David G. Worth, of New Hanover County; Henry Nutt, of New Hanover County; John B. Gretler, of Guilford County; R. R. Bridges, president Wilmington and Weldon and Wilmington and Columbia and Augusta railroads; Capt. S. H. Gray, of Craven County; Dr. W. J. Hawkins, president Raleigh and Gaston and Raleigh and Augusta Air Line railroads; E. M. Holt, esq., of Alamance County; Col. Wm. Johnston, of Mecklenburg County; and Col. Edwin J. Alston, of Buncombe County, shall constitute a board of immigration, etc. The secretary of state, by virtue of his office shall be president of said board, with some member of the same as secretary, to record their proceedings and to make a report to the general assembly.

SEC. 2. The secretary of state is authorized to supply such numbers of printed copies of this act (with any circular matter appended thereto) as may be deemed necessary by the board, and distribute same in such manner as may be directed, to the end that the cause of immigration may be promoted: *Provided*, The expense incurred shall not exceed two hundred dollars.

SEC. 3. This act shall take effect from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

II.

[Acts of North Carolina, 1874–75, ch. 46, p. 36.]

AN ACT To amend an act entitled "An act to establish a bureau of immigration, statistics, and agriculture."

The general assembly of North Carolina do enact:

SECTION 1. That an act to establish a bureau of immigration, statistics, and agriculture, ratified the 16th day of February, A. D. 1874, laws of 1873 and of 1874, chapter 135, section 1, be, and the same is hereby, amended by inserting between the words "country" and "and" in the eleventh line of said section the words "E. R. Lilis, of Anson County; John D. Whitford, of Craven County;" thereby making the said E. R. Lilis and John D. Whitford members of the board of immigration provided for and established in said act.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 19th day of December, A. D. 1874.

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ACT OF 1877.

[Laws of North Carolina, 1876–77, ch. 274, p. 506.]

AN ACT To establish a department of agriculture, immigration, and statistics, and for the encouragement of sheep husbandry.

The general assembly of North Carolina do enact:

SECTION 1. A department of agriculture, immigration, and statistics, as provided in section 17, article 3, of the constitution, is hereby created and established, which shall be under the control and supervision of a board, which shall be constituted as follows, to wit: The governor, who shall be ex officio chairman; the state geologist; the master of the State Grange, Patrons of Husbandry; the president of the State Agricultural Society; and the president of the agricultural college of the State, and two agriculturists (who shall be appointed by the board so as to keep the representation of the different sections of the State as nearly equal as may be), and their successors in office.

SEC. 2. The board shall meet for the transaction of business in the city of Raleigh as often as they may deem expedient, but at least twice in each year. They shall receive no compensation, but shall be allowed, except the governor, the state geologist, and president of the agricultural college, the sum of three dollars per diem for their personal expenses while engaged in the duties of the board, not exceeding fifteen days in any one year.

SEC. 3. The board shall appoint and prescribe the duties and regulate the pay of the commissioner of agriculture, who shall be an agriculturist. And they shall also, whenever they deem it necessary, have power to employ a secretary and prescribe his duties.

SEC. 4. The board shall be empowered to hold in trust, and exercise control over, donations or bequests made to them for promoting the interests or purposes of this act.

SEC. 5. They may prescribe forms for and regulate the returns of such county agricultural societies as may be chartered by the State, and furnish such blanks as may be necessary to secure uniform and reliable statistics of their operations.

SEC. 6. In order to facilitate the collection of reliable statistics, it is made the duty of the secretary of state to prepare and send to the county commissioners of the several counties, who shall distribute to each person in the county whose duty it is to list the taxable property thereof, blanks prepared according to the directions of the department of agriculture; and the person listing the taxes as aforesaid shall require each citizen, at the time of listing his taxable property, to give in likewise the amount of his productions for the previous year, as far as practicable, without oath, which blanks, when completed, shall be returned to the board of county commissioners, who shall collate the same on one blank form and transmit the same to the commissioner of agriculture on or before the first day of November in each year.

SEC. 7. The board shall investigate such subjects relating to the improvement of agriculture, and for the inducement of immigration and capital, as they may think proper; but they are especially charged—

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First. With such investigations as may seem best adapted to promote the improvement and extension of sheep husbandry, and shall collect and publish, from time to time, all available statistics on the subject, and shall suggest to the general assembly such measures as may be useful for the encouragement of this industry, and more particularly for the suppression of the ravages of dogs.

Second. With investigations relating to the diseases of cattle and other domestic animals, and shall publish and distribute, from time to time, circulars of information relative to any contagious diseases of stock, and shall have power in such cases to quarantine infected animals and to regulate the transportation of stock in this State, or from one section of it to another; and any person wilfully violating such regulations shall be guilty of a misdemeanor.

Third. With investigations relating to the ravages of insects and with the dissemination of such information as may be deemed essential for their abatement.

Fourth. With investigations and experiments directed to the introduction and fostering of new agricultural industries adapted to the various climates and soils of the State, especially the culture of silk, the sugar beet, the grape, and other fruits.

Fifth. With the investigation of the subject of drainage and irrigation, and shall publish circulars of information as to the best methods and formula of both, and what surfaces, soils, and localities may be most benefited by such improvements; also, with the collection and publication of information in regard to localities, character, accessibility, cost, and modes of utilization of native mineral and other domestic sources of fertilizers, including formula for composting adapted to different crops, soils, and materials.

Sixth. With the collecting of statistics relating to the subject of fences, with suggestions for diminishing their cost, and the conditions under which they may be dispensed with altogether.

Seventh. With the supervision of all measures for the protection, propagation, and culture of fish in the rivers and other inland waters of this State, and to this end they shall at once provide for stocking all available waters of the State with the most approved breeds of fishes, and shall avail themselves of such aid as the fish commissioners of the United States may be induced to extend, and they shall enquire into and report upon the practicability of constructing fishways over dams and other obstructions in the waters of the State, and secure, as far as practicable, the cooperation of mill owners; they shall select proper locations for the hatching and care of the young fish and shall provide the necessary hatching houses and such appliances as may be needed and employ such labor as may be necessary to this end, and they may appoint agents at such convenient points to aid them in the distribution and hatching protection of the ova and young fish, provided such agents shall receive no compensation.

Eighth. They shall transmit to the general assembly at each session a report of the operations of the said department, together with suggestions of such legislation as may be needful, and it shall be the duty of the board to prosecute all offenders against the laws which have been or may be passed in this behalf, and they shall endeavor to secure the cooperation of adjoining States to remove ob-

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structions in the passage of fish in those rivers or streams which are partly in this State and partly in such adjoining States.

Ninth. With the enforcement and supervision of the laws and regulations which are, or may be, enacted in this State for the sale of commercial fertilizers and seeds.

* * * * * * *

SEC. 13. The geological survey is hereby made and constituted a cooperative department with the department of agriculture, and the geological museum and the collections therein shall at all times be accessible to the said department. The geologist shall, as far as practicable, prepare illustrations of the agricultural industries, products, and resources of the State, and arrange and care for such collections as the said department may make for this purpose. He shall also prepare abstracts of the survey from time to time, as may be required for the use of the department in their handbook and circular for publication, in illustration of the advantages of this State and in promotion of the general purposes of immigration. In return for such service the state geologist may have all his marls, soils, minerals, and other products analyzed by the chemist at the laboratory of the department station free of charge.

* * * * * * *

SEC. 15. The department shall, as soon as practicable, prepare a convenient handbook, with the necessary illustrative maps, which shall contain all necessary information as to the mines, minerals, forests, soils, climates, waters and water powers, fisheries, mountains, swamps, industries, and all such statistics as are best adapted to give proper information of the attractions and advantages which this State affords to immigrants, and shall make illustrative exposition thereof whenever practicable at international exhibitions.

SEC. 16. The said department shall be authorized, in the interest of immigration, to employ an agent or agents at such points, in this or any foreign country, as they may deem expedient and desirable.

SEC. 17. The said department is authorized and directed to establish and keep in its office, in the city of Raleigh, a general land and mining registry, wherein shall be recorded (if the owners shall so request) all the farming, mineral, or other lands offered for sale in this State, with a brief and truthful description of the same. And the department shall act as agent for the sale or disposition of such property as may be registered as hereinbefore provided, and shall sell or dispose of such property upon the terms and conditions as stated and fixed by the owner thereof, and the department shall be allowed the sum of one dollar for registration and two and one-half per cent commission on gross amount of said transaction. The said department shall have authority to contract for and hold bodies of land for the settlement of colonies, with exclusive control of the sale of the same at such prices and for such a period as may be agreed upon by the owner thereof.

* * * * * * *

SEC. 22. That all moneys arising from the tax or licenses, from fines and forfeitures, fees for registration and sale of lands not herein otherwise provided for, shall be paid into the state treasury and shall be kept on a separate account by the treasurer as a fund for the exclusive use and benefit of the department of agriculture; and until

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such fund can be made available as aforesaid the treasurer shall loan to the said department, out of any moneys not otherwise appropriated, upon the warrant of the governor, the sum of five thousand dollars per annum for two years from this date, which sum shall be refunded to the treasury by the 1st day of March, 1879.

* * * * * * *

Ratified the 12th day of March, A. D. 1877.

ACT OF 1891.

[Laws of North Carolina, 1891, ch. 555, p. 611.]

AN ACT Relating to the bureau of immigration.

The general assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the commissioner of agriculture, assisted by the clerk of the board of agriculture, to perform all the duties heretofore performed by the commissioner of immigration and the commissioner shall be known as the commissioner of agriculture and immigration and shall be allowed for said service one hundred and fifty dollars per annum out of any money in the treasury not otherwise appropriated.

SEC. 2. That at its first meeting after the passage of this act the board of agriculture shall enforce this act by appropriate action.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified 9th day of March, A. D. 1891.

ACT OF 1905.

[Laws of North Carolina, 1905, ch. 421, p. 427.]

AN ACT To repeal chapter 525, Public Laws of 1891, relating to bureau of immigration.

The general assembly of North Carolina do enact:

SECTION 1. That chapter 555, Public Laws of 1891, be, and the same is hereby, repealed.

SEC. 2. That this act shall be in effect from and after its ratification.

In the general assembly read three times and ratified this the 4th day of March, A. D. 1905.

ACT OF 1907.

[Laws of North Carolina, 1907, ch. 924, p. 1314.]

AN ACT To promote and encourage the immigration of a desirable class of trained, industrious, and economical farmers and other laborers to the State of North Carolina.

The general assembly of North Carolina do enact:

SECTION 1. That for the purpose of aiding the farmers and other employers of labor in North Carolina in the proper tilling and cultivation of their farms and filling the need being felt each year by

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them from the rapidly decreasing supply of laborers on account of the number of young men and other laborers leaving the farms and going to the towns, seeking employment in factories and other industries, the department of agriculture, immigration, and statistics shall prepare and keep for distribution illustrated literature containing all necessary information as to mines, minerals, forest, soils, climates, waters, water powers, fisheries, mountains, industries, and all other such information as may be best adapted to advertise the attractions and advantages which this State affords to immigrants, and shall make illustrative exposition thereof whenever practicable in this or foreign countries.

SEC. 2. That said department shall be authorized in the interest of desirable immigration to employ an agent or agents at such points in this or any foreign country as it may deem expedient or desirable.

SEC. 3. That the agent or agents herein authorized be empowered to make such arrangements with steamship companies and immigration agencies in this country and abroad as may best serve the interests of our people in bringing desirable immigration to the State, the necessary expenditure being made within the annual appropriation herein provided for this purpose: *Provided*, That nothing herein shall prohibit said agent or agents acting without fee as the agent of such citizens of the State who, through the department of agriculture, immigration, and statistics, wish to meet excess expenses of bringing desirable immigrants for farm or other lands, or for any industrial purpose of whatever nature.

SEC. 4. That for carrying out the purposes of this act the department of agriculture is hereby empowered to use annually, for the period of five years from the ratification of this act, a sum not exceeding five thousand dollars, to be set aside from the funds of said department, and, if necessary, to further draw upon the state treasury for an equal sum, to be set aside from any funds in said treasury not otherwise appropriated.

SEC. 5. That efforts to secure immigrants shall be confined to the United States, Canada, and other nations of Teutonic, Celtic, or Saxon origin, and that only a desirable class of immigrants be so secured: *Provided*, That the counties of Brunswick, Bladen, Columbus, New Hanover, Onslow, Pender, Pasquotank, Surry, Dare, Hyde, Martin, Washington, Tyrrell, Pamlico, Beaufort, Lenoir, Carteret, Craven, Pitt, Montgomery, Camden, Currituck, and Duplin shall be excepted from the restrictions contained in this section, and the department is hereby authorized and empowered to exercise its discretion in securing desirable immigration to the aforesaid counties, and may extend its operations to any country, other than southern Italy, whose inhabitants are adapted to climatic and other conditions existing in the aforesaid counties and who are otherwise desirable as immigrants.

SEC. 6. That this act shall be in force from and after its ratification.

In the general assembly read three times and ratified this the 11th day of March, A. D. 1907.

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NORTH DAKOTA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1899 (an act to promote immigration).—The act of 1899 provides for the appropriation of $500 annually, to be used by the commissioner of agriculture and labor in issuing maps and other printed matter for the purpose of promoting and inducing immigration. A verified statement of all expenses shall be filed with the state auditor.

Act of 1905 (an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor).—The act of 1905 creates a fund of $20,000 to be expended in collecting, compiling, publishing, and distributing data pertaining to the general resources, advantages, and characteristics of the State, its people, and its institutions. The commissioner of agriculture and labor is charged with the duty of presenting to the public the information essential for convincing homeseekers and investors of the attractive opportunities offered to them in the State. The information shall relate to mining, milling, farming, stock raising, industries, schools, population, drainage, irrigation, available lands, and other facts of interest and import.

Act of 1907 (an act making an appropriation for carrying into effect provisions relating to the duties of the commissioner of agriculture and labor).—The act of 1907 was passed to continue the work performed by the department of agriculture and labor, which has been instrumental in inducing many hundreds of people to locate in this State through the methods it has employed. The act recites that "we believe it our duty to refute misrepresentations (of North Dakota) and to continue to labor for the best interests of the State and employ all honorable and legitimate efforts to induce immigration and to continue the good work of industrial progress and commercial development." Twenty thousand dollars is appropriated for that purpose.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1899.

[Laws of North Dakota, 1899, ch. 101, p. 141.]

AN ACT To promote immigration.

Be it enacted by the legislative assembly of the State of North Dakota:

SECTION 1. There is hereby appropriated, annually, the sum of five hundred dollars, or so much thereof as shall be needed, out of the general funds of the state treasury not otherwise appropriated, to be used by the commissioner of agriculture and labor in getting

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out maps and other printed matter for the purpose of promoting and inducing immigration into the State of North Dakota.

SEC. 2. The commissioner of agriculture and labor shall make a verified and itemized statement of his expenses and disbursements incurred under the provisions of this chapter and file the same with the state auditor, who shall thereupon issue his warrant on the state treasurer therefor.

SEC. 3. Whereas an emergency exists in that no adequate provision exists for the promotion of immigration, this act shall take effect and be in force from and after its passage and approval.

Approved, March 6, 1899.

ACT OF 1905.

[Laws of North Dakota, 1905, ch. 26, p. 35.]

AN ACT Making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Whereas the State of North Dakota is preeminently an agricultural State, and the most should be made of the fact; that a published statement of its resources should be made and distributed of what an investor and homeseeker wants to know, giving the personal experiences of farmers, stock growers, mechanics, professional and business men; and

Whereas such report should include in general terms a statement of the resources of the State, with up-to-date statistical information compiled from reliable sources, such as county auditors, boards of trade, and commercial clubs, which report should show the number of flouring mills, coal mines, and the output of each, with a résumé of each county as to population, the number and names of its cities and towns, the number of inhabitants of each, the different industries, the number of business houses, etc.; also the acreage and yield of all cereals, number and different classes of live stock, total amount of wheat grown, number of creameries, amount of milk consumed in the manufacture of butter and cheese, kinds and qualities of grasses and forage plants grown, together with a topographical description of each county, the date of its organization, its financial condition, its railroad facilities, and the state of its development, and such other general information as would be of general and particular value to persons seeking locations for future settlement; and

Whereas there is now a bill pending before the legislature relating to the question of irrigation, statistics should be published giving all information obtainable upon this subject, as well as that relating to the question of drainage and whether the same is being carried on or in contemplation by the Government, State, or private means; and

Whereas it would be of great benefit to the State to have published statistics regarding the shipment of live stock and all information connected with the same gathered from breeders and live stock men in the State, giving their experience and the results of such experience; and

Whereas no State in the Union presents so great an opportunity of receiving benefits from this class of advertising and no State in the Union presents as great opportunities for the poor man to secure

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a home at so small a cost with assurances that he can not make only a living, but money as well, as in the State of North Dakota; and

Whereas there is and has been for some years past carried on by the departments of agriculture of other States and countries a system of advertising the benefits to settlers in seeking homes in these parts, whose advantages are inferior to ours, but who, because of the dissemination of literature of the character herein referred to, have been reaping benefits that naturally belong to the State of North Dakota, because of her superior natural advantages in these regards; and

Whereas the legislative assembly has just enacted into a law a provision providing for the sale of the lands belonging to the State held for the purpose of constructing a state capitol; and

Whereas it is the policy of the State that its lands belonging to public institutions should be sold as fast as possible, with proper regard to the same being sold at their proper market value; and

Whereas there still remains unsold of the lands donated by Congress to the agricultural college, 87,326 acres; to the asylum for the blind, 20,392 acres; for the deaf and dumb, 26,616 acres; hospital for the insane, 12,780 acres; industrial school, 27,000 acres; normal schools, 52,083 acres; reform school, 27,511 acres; scientific school, 26,327 acres; school of mines, 26,674 acres; soldiers' home, 27,000 acres; university, 56,169 acres; common school and indemnity fund, 2,100,000 acres; and state capitol, 59,111 acres, making a grand total of lands held by the State for the benefit of these institutions of 2,548,989 acres, which may be acquired on conditions practically as favorable to the homeseekers as by filing on Government homesteads; and

Whereas it would be of great commercial value to the State to have these lands occupied by actual settlers, and the great advantages they offer to homeseekers should be advertised so as to give the greatest publicity possible to their advantages, and the moneys to be raised from the sale of capitol lands should be accumulated as fast as can be done with proper regard for the value of the lands; and

Whereas the different railroad companies operating lines in this State have agreed to cooperate with this State in the dissemination of all literature that may be prepared by the State and have agreed to mail the same at no expense to this State and have agreed to work with the State by means of their departments of immigration and publicity in the work herein referred to, which said offer is hereby accepted and the services of the said immigration agencies of the different railroad companies is hereby requested; therefore

Be it enacted by the legislative assembly of the State of North Dakota:

SECTION 1. There is hereby appropriated out of any money in the hands of the treasurer not otherwise appropriated the sum of twenty thousand dollars, or so much thereof as may be necessary to carry into effect all laws relating to the publication of the advantages offered to settlers and investors for lands in the State of North Dakota.

SEC. 2. All expenditures by the commissioner of agriculture and labor for the carrying out the provisions of law for which this appropriation is made shall, before being contracted for or incurred, be approved by the governor.

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SEC. 3. Whereas there are now no funds in the hands of the treasurer available for carrying out of the provisions provided for in this act, therefore an emergency exists and this act shall take effect and be in force from and after its passage and approval.

Approved March 15, 1905.

ACT OF 1907.

[Laws of North Dakota, 1907, ch. 31, p. 25.]

AN ACT Making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Whereas our agricultural department during the past two years has extensively and beneficially advertised the resources and advantages of the State of North Dakota through the many letters it has published in eastern newspapers, the literature it has distributed, the exhibits it has made at the different state fairs; and

Whereas the said agricultural department has been instrumental in inducing many hundreds of people to locate in this State through the methods it has employed; and

Whereas many false, sensational, and detrimental reports have been published lately in the eastern newspapers and periodicals and promulgated semiofficially, calculated to work injury to the good name of North Dakota and retard immigration to this State; and

Whereas we believe it to be our duty to refute these misrepresentations and continue to labor for the best interests of the State and employ all honorable and legitimate efforts to induce immigration and to continue the good work of industrial progress and commercial development; therefore

Be it enacted by the legislative assembly of the State of North Dakota:

SECTION 1. There is hereby appropriated out of any moneys in the hands of the treasurer not otherwise appropriated the sum of twenty thousand dollars, or so much thereof as may be necessary, to carry into effect all laws relating to the publication of the advantages offered to settlers and investors for lands in the State of North Dakota.

SEC. 2. An emergency exists in that there are now no funds in the hands of the treasurer available for carrying out the provisions provided in this act, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 4, 1907.

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OHIO.

DIGEST OF IMMIGRATION AND ALIEN LAW.

Act of 1863 (an act to provide for the establishment of a commission in the city of Cincinnati to encourage immigration and to prevent fraudulent practices against immigrants to the State of Ohio).—The governor shall appoint a commissioner of immigration for a term of four years without compensation. It shall be his duty to furnish to immigrants information about the advantages, resources, and advantages of the State, and also about any other matters for their protection against impositions. He shall collect and furnish data about the salable lands of the State. He shall keep a record of immigrants seeking information. Five hundred dollars shall be appropriated for the purposes stated.

IMMIGRATION AND ALIEN LAW.

ACT OF 1863.

[Ohio Laws, 1863, p. 96.]

AN ACT To provide for the establishment of a commission in the city of Cincinnati to encourage immigration and to prevent fraudulent practices against immigrants to the State of Ohio.

Be it enacted by the general assembly of the State of Ohio:

SECTION 1. That the governor shall appoint and commission a commissioner of immigration, who shall be a citizen of the State, and shall hold his office for the term of four years from the date of his commission, and shall receive no compensation from the State for his services.

SEC. 2. It shall be the duty of said commissioner to give the immigrants the necessary information in relation to the soil and climate of the State, and the various branches of business advantageously to be pursued therein, and the most expedient and cheapest route by which the immigrant can reach the various parts of the State, and to give such further information as will protect immigrants from many impositions often practiced upon them.

SEC. 3. It is hereby made the duty of said commissioner to ascertain where lands within this State are held for sale by the State, corporations, or private persons, and to aid as far as possible in the disposal of said lands to proper persons, on moderate terms, and for which purpose he shall gather and post in a book, detailed information in relation to such lands, for the benefit of all such immigrants who may call upon him for the purpose of locating in this State.

SEC. 4. The commissioner aforesaid may cause an advertisement of his official duties, with so much of this act as he may see fit, and

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such information as he may deem advisable, together with a direction to his place of business, to be printed in the English and German language, and to be placed in a conspicuous place at the different termini of all public carriers in the State of Ohio; and any person or persons refusing to permit the same to be thus posted, or hindering the same, or in any manner defacing the same, after it shall have been thus posted, shall, upon conviction thereof before any justice of the peace or police court, be fined in any sum not less than five nor more than twenty-five dollars for each and every such offense.

SEC. 5. It shall be the duty of the commissioner to keep a register, in which the name of all immigrants calling upon him or consulting him shall be registered, their nationality, age, place of destination, and the branches of business intended to be pursued by them.

SEC. 6. Said commissioner shall procure a seal, upon which shall be engraved the arms of the State of Ohio, and the words "commissioner of immigration," which seal, together with all official registers and papers, shall be handed over to his successor.

SEC. 7. The following sum of money is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to carry out the objects of this act, the sum of five hundred dollars, to be expended under the direction of the governor, in a publication of a description of the State in English, German, and such other languages as the governor shall deem advisable, in the purchase of maps and books to be used in the office of the commissioner, to pay the rent of an office, and purchase of a seal to be used by said commissioner.

SEC. 8. The said commissioner shall have power to administer oaths and take depositions, and in the performance of such duties shall be governed by the same laws and entitled to the same fees as notaries public now are or hereafter may be.

SEC. 9. That said commissioner shall furnish a bond of ten thousand dollars; the sufficiency of said bond shall be certified by a judge or justice of the peace.

SEC. 10. The governor shall have power to remove said commissioner for inefficiency and misconduct in the discharge of the duties of his office, and in case of death, resignation, or removal, to appoint some proper person in his place.

SEC. 11. This act shall take effect from its passage.

April 12, 1863.

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OREGON.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1874 (an act to provide for the appointment of a board of immigration commissioners in this State and for the appointment of honorary commissioners in other States of the United States and foreign countries.—In 1874 a statute was enacted, empowering the governor to appoint a board of five immigration commissioners in this State and to appoint honorary commissioners in other States of the United States and in foreign countries. The board shall have power to formulate plans and regulations for the State's interest. The honorary commissioners are authorized to invite immigration and to act for the State in circulating information as to the resources of the State. No compensation shall be allowed.

Act of 1885 (an act for the appointment of a board of immigration commissioners).—By the act of 1885 a board of immigration commissioners, consisting of five members, serving without compensation, was created. The governor shall appoint the commissioners. Five thousand dollars a year is appropriated "for the purpose of disseminating such trustworthy and accurate information regarding the resources of Oregon and the inducements offered as shall tend to locate a desirable class of immigration upon lands in this State and for paying expenses incurred by the commissioners."

IMMIGRATION AND ALIEN LAWS.

ACT OF 1874.

[Oregon Laws, 1874, p. 113.]

AN ACT To provide for the appointment of a board of immigration commissioners in this State, and for the appointment of honorary commissioners in other States of the United States and in foreign countries.

Be it enacted by the legislative assembly of the State of Oregon:

SECTION 1. That the governor is hereby authorized to appoint a state board of immigration, to consist of five members, to act without salary or other compensation, who shall have power to adopt their own rules and working regulations for the transaction of their business, but no rules to have force of law so as to affect third persons.

SEC. 2. That the governor is hereby also authorized to appoint honorary commissioners in foreign countries and in the various States of the United States to invite emigration to this State, and to act for the State of Oregon in circulating information as to the resources of this State, and who shall act without salary or other compensation.

SEC. 3. As this act is deemed of great public importance it shall become a law immediately after its approval by the governor.

Approved October 28, 1874.

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ACT OF 1885.

[Oregon Laws, 1885, p. 33.]

AN ACT To provide for the appointment of a board of immigration commissioners and the appropriation of money for immigration purposes.

Be it enacted by the legislative assembly of the State of Oregon:

SECTION 1. That the governor of the State is hereby empowered and authorized to appoint a state board of immigration commissioners, to consist of five members, to act without salary or other compensation, who shall have power to adopt rules and regulations, not contrary to the laws of the State, for the transaction of such immigration matters as may come before them.

SEC. 2. That vacancies in said board shall be filled by appointment by the governor.

SEC. 3. That the sum of five thousand dollars, for the year 1885, and the sum of five thousand dollars, for the year 1886, be, and is hereby, appropriated out of the general funds of the State, for the purpose of disseminating such accurate and trustworthy information regarding the resources of Oregon, and the inducements offered, as shall tend to locate a desirable class of immigration upon lands in this State, and for paying such expenses as may be incurred by said commissioners.

SEC. 4. That the money so appropriated shall not be expended for any other purposes than that designated by this act.

SEC. 5. That the money so appropriated shall be paid upon the presentation of a warrant drawn on the state treasurer by the secretary of state, accompanied by a certified account signed by the secretary of the board and a majority of the commissioners.

SEC. 6. As this act is deemed of great public importance, it shall become a law immediately after its passage and approval by the governor.

Approved February 18, 1885.

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PENNSYLVANIA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1778.—An act was passed in 1778 for making valid the title of lands held under persons born out of the allegiance of the Crown of Great Britain and who have died not having been naturalized.

Act of 1807 (an act to enable aliens in certain cases to purchase and hold real estate within this Commonwealth).—By the act of 1807 alien friends resident within the Commonwealth are empowered to purchase and hold real estate, provided such aliens have declared their intention to become citizens in accordance with the act of Congress relating thereto.

Act of 1811.—The act of 1811 was passed to remedy defects in the titles to real estate purchased by certain emigrants within the Commonwealth during the time they were aliens. Purchases of real estate by aliens were made valid in case they afterwards became naturalized.

Act of 1814.—The act of 1814 amended the prior act of 1811, intended to remedy defects in titles to real estate purchased by aliens. This act extends the provisions of the former act to all purchases, contracts, and sales made since passing the act of 1811.

Act of 1844.—The act of 1844 is a further supplement to the act of 1809 to enable aliens to purchase and hold real estate in the Commonwealth.

Act of 1874 (an act to incorporate the American Immigration and Land Company).—The American Immigration and Land Company was incorporated by statute in 1874. The purposes and powers of the corporation were to stimulate, promote, and encourage immigration by a systematic diffusion abroad of information relating to the various interests, industries, character, capabilities, resources, attractions, and advantages of the various sections of the United States; to aid and assist immigrants (in every proper and effective manner) by transporting them to their destination, protecting them against fraud or imposition, securing their legal rights and privileges, establishing them in profitable industries, and by any other beneficial service. The capital stock shall not exceed $500,000. Other usual and ordinary corporate powers are conferred.

Joint resolution No. 14, 1878.—Petitions from citizens of the State urged action by the legislature tending to relieve prevailing distress. The increase of laborers by reason of the rebellion, the overproduction of materials and mining resources, and the financial stringency, with resulting evils which the State is unable to relieve, require the legislature to recommend that Congress devise a means for encouraging needed national improvements and for transferring a portion of the surplus labor to the national domain in order to relieve the congested conditions.

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Joint resolution No. 8, 1895.—Recognizing "in the constant influx of an ignorant and vicious class of immigrants a great and growing evil, highly injurious to American workingmen and dangerous to American institutions, the legislature recommends that Congress enact some law to correct the evil.

Joint resolution No. 44, 1897.—The unsatisfactory conditions existing among laboring men, resulting in low wages and lack of employment, are largely due to the continued tide of immigration bringing pauper labor of Europe into competition with intelligent and skilled labor of America; therefore, the legislature recommends the enactment of a law by Congress for the limitation of immigration.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1778.

[Pennsylvania State Laws, 1778, ch. 792, p. 461.]

AN ACT For making valid the title of lands held under persons born out of the allegiance of the Crown of Great Britain, and who have died, not having been naturalized.

Whereas the many advantages to be derived from the settling of a new and fertile country, under a Government more free than some of those of the European States, induced many persons, not born in allegiance to the Crown of Great Britain, to settle in Pennsylvania while it remained subject to that Crown, and confiding in the justice and equity of the then Government, and assurances given by the late William Penn, esquire, laid out their money in lands and improved the same with great industry, and have thereby acquired a just and equitable title thereto, and many of them died not having been naturalized, whereby their titles in the law were defective and the attempt of the legislature under the said Government to remedy the inconveniences and hardships arising thereby to the heirs, devisees, and assigns of such persons have, through the rigid policy of Great Britain, been rendered ineffectual and abortive: For remedy whereof,

Be it enacted, and it is hereby enacted, That the heirs, devisees, and assigns of persons born out of allegiance of the Crown of Great Britain, and who have removed to this or any of the adjoining States for the purpose of settling, and who have died not having been naturalized, shall hold their estates, respectively, as if such persons, so having died, and not having been naturalized, had been born in allegiance to the said Crown of Great Britain, or had been naturalized by law in due form made and enacted for that purpose, any law, usage, or custom to the contrary thereof in any wise notwithstanding.

Passed August 31, 1778.

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ACT OF 1807.

[Pennsylvania State Laws, 1807, ch. 2737, p. 362.]

AN ACT To enable aliens in certain cases to purchase and hold real estate within this Commonwealth.

Be it enacted by the senate and house of representatives of the Commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same:

SECTION 1. That from and after the passing of this act, it shall and may be lawful for any alien or aliens, actually resident within this Commonwealth, and not being the subject or subjects of some sovereign state or power, which is or shall be at the time or times of such purchase or purchases at war with the United States of America to purchase lands, tenements, and heriditaments within this Commonwealth, and to have and to hold the same in fee simple, or for any lesser estate as fully to all intents and purposes as any natural-born citizen or citizens may or can do: *Provided always*, That such alien or aliens shall previously to such purchase or purchases declare his or their intention to become a citizen or citizens of the United States, agreeably to any law of the United States at the time in force upon that subject: *And provided also*, That no such alien or aliens shall be competent to purchase and hold more than five hundred acres until he or they shall actually become a citizen or citizens of the United States.

ACT OF 1811.

[Pennsylvania State Laws, 1811, ch. 3324, p. 211.]

AN ACT To remedy defects in the titles to real estate purchased by certain emigrants within this Commonwealth during the time they were aliens.

Be it enacted by the senate and house of representatives of the Commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same:

SECTION 1. That all purchases of real estate made by emigrants resident within this Commonwealth previous to declaring their intentions to become citizens of the United States, and who since purchasing the same have been naturalized, in conformity with the laws of the United States on that subject, shall be as valid to all intents and purposes, and shall be construed to vest the title to the said real estate in the purchasers as fully and absolutely as if they had been citizens at the time they purchased the same.

SEC. 2. *And be it further enacted by the authority aforesaid*, That in all cases where aliens have purchased real estate within this Commonwealth and have sold the same to citizens of the United States, the said sales shall be valid to all intents and purposes, and shall be construed to vest the title to the said real estate in the citizens aforesaid, as fully and effectually as if the said aliens had been citizens at the time of purchasing the same.

Passed March 29, 1811.

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ACT OF 1814.

[Pennsylvania State Laws, 1814, ch. 3907, p. 178.]

A SUPPLEMENT To an act entitled "An act to remedy defects in the titles of real estate purchased by certain emigrants within this Commonwealth during the time they were aliens."

Be it enacted by the senate and house of representatives of the Commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same:

SECTION 1. That all the provisions of the act entitled "An act to remedy defects in the titles of real estate purchased by certain emigrants within this Commonwealth during the time they were aliens," passed the 20th day of March, 1811, be, and the same are hereby, extended to all purchases, contracts, and sales made since the passing of said act.

SEC. 2. *And be it further enacted by the authority aforesaid*, That it shall be lawful for any alien who, on the 18th day of June, 1812, resided, and has since continued to reside, in this State, and who is a subject of any sovereign, state, or nation at war with the United States, after having filed, according to law, a declaration of his intention to become a citizen of the United States, to receive, hold, and convey any lands and tenements within this Commonwealth not exceeding in quantity two hundred acres, nor in value twenty thousand dollars, as fully, to all intents and purposes, as a citizen of the United States can do.

Passed March 22, 1814.

ACT OF 1844.

[Pennsylvania State Laws, 1844, No. 192, p. 274.]

A FURTHER SUPPLEMENT To an act entitled "An act to enable aliens to purchase and hold real estate in this Commonwealth."

Be it enacted by the senate and house of representatives of the Commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same:

SECTION 1. That all purchases of lands, tenements, and hereditaments within this Commonwealth, not exceeding two thousand acres, heretofore made by any alien or aliens, and in all cases where such alien or aliens shall have inherited the same by descent or otherwise, the title of such alien or aliens is hereby confirmed; and it shall be lawful for such alien or aliens to hold the same as fully and to all intents and purposes as any citizen of the United States could or might do: *Provided*, That nothing herein contained shall in anywise affect or impair the vested rights of any individual or individuals.

SEC. 2. In all cases where aliens have purchased real estate within this Commonwealth, and have sold the same to citizens of the United States, the said sales shall be valid to all intents and purposes and shall be construed to vest the title to the said real estate in the citizens aforesaid as fully and effectually as if the said aliens had been citizens at the time of purchasing the same.

Approved, April 16, 1844.

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ACT OF 1874.

[Pennsylvania Laws, 1874, Appendix, 1872, No. 217, p. 328.]

AN ACT To incorporate the American Immigration and Land Company.

Be it enacted, &c., That Richard Church, Edward M. Clymer, Amos N. Meylert, Max Goepp, and G. H. Goundie, and their associates and successors, are hereby created a body politic and corporate, by the name, style, and title of the American Immigration and Land Company, and by that name shall have succession and may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and may make and use a common seal.

SEC. 2. That the objects, purposes, and powers of this corporation are hereby declared to be as follows, namely: To stimulate, promote, and encourage immigration to the United States by a systematic diffusion throughout Europe of reliable information relating to the various sections of the United States, the various interests and industries thereof, the character, capabilities, resources, attractions, and advantages of all unsettled or unoccupied lands of the several States and Terrorities, and of each separate State and locality; to aid and assist immigrants in the selection of and settlement upon such lands as they may desire, and to guarantee the titles of said lands; to aid individual immigrants and colonies, in every proper and effective manner, in providing the necessary means for transporting them, their baggage, chattels, and effects cheaply and speedily from Europe to the place of their final destination, caring for them and protecting them and their effects while en route against imposition and fraud, and securing to them all their legal rights and privileges; to assist them to establish themselves in the various branches of industry and to act as their general and financial agents, and said corporation may act as the agent of any corporation or company or of any person or persons for the lease, sale, or settlement of lands, the transportation of passengers, baggage, chattels, and effects, or for such other service as may be beneficial to immigrants or immigration.

SEC. 3. That the capital stock of said corporation shall be two hundred thousand dollars, divided into two thousand shares of one hundred dollars each, which shall be called in and paid in such payments or instalments as the board of directors of said company may require and under such regulations as the company may adopt, and the said capital stock may be increased, from time to time, if deemed necessary by the stockholders to carry out the objects and purposes of the corporation: *Provided*, Said increase of stock shall not exceed five hundred thousand dollars.

SEC. 4. The corporators named in this act shall meet at such time and place as a majority of them shall agree upon, and shall open books for subscription to the capital stock of the company; and when the capital stock is fully subscribed the stockholders shall meet and organize the company by an election of the board of directors from among the stockhloders to consist of not less than seven nor more than thirteen, to serve until others are elected or chosen under the provisions of the by-laws of the company; the board of directors shall be elected annually, from among the stockholders, and shall

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have the general charge of the management of the business and affairs of the company; they shall elect a president from among their number, and shall elect or appoint a treasurer, secretary, and all other officers and agents of the company; they shall make by-laws, not inconsistent with the laws of this State, for the regulation of the affairs of the company and for the issue and transfer of the stock, which by-laws shall be subject to the approval of the stockholders.

SEC. 5. That said company may establish offices and agencies for the transaction of their business in such States and Territories and at such cities and towns as they may deem necessary.

Approved, April 4, A. D. 1872.

RESOLUTION OF 1878.

[Pennsylvania Laws, 1878, No. 14, p. 223.—Extract from the journal.]

IN THE HOUSE OF REPRESENTATIVES,
May 2, 1878.

Whereas numerous petitions have been presented by citizens of this Commonwealth, and especially from the mining and manufacturing districts thereof, urging such action by the legislature as will tend to relieve the great distress prevailing therein; and it being of vital importance that labor should be provided for those who are willing to work; and

Whereas the increase of laborers during the rebellion and since, the overproduction of our manufactured materials and mining resources, and subsequent financial stringency over which the State of Pennsylvania has no control, and for the evils resulting from the same she is unable to furnish the much-needed relief in her legislative, judicial, or executive capacity; and

Whereas to this end legitimate enterprises, which create a demand for the products of our mills, mines, and factories, should be encouraged, especially where they are national in their character, and while aiding the people will develop new wealth and increase the revenues of the country: Therefore, be it

Resolved, That the house of representatives (the senate concurring) would most earnestly and respectfully recommend that our Senators and Representatives in Congress devise a means of aiding and encouraging the immediate building of the Texas Pacific Railroad and any other needed national improvement, consistent with prudent economy and protection to our national interest.

Resolved further, That we recommend that they adopt some practical plan and furnish the necessary means by which a portion of the surplus labor of the country may be settled on the public domains and assisted until such times as they can be self-sustaining, and that we earnestly protest against any change at the present time of the tariff laws of the nation.

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Resolved, That a copy of these resolutions be transmitted to each of our Senators and Members in Congress.

WM. C. SHURLOCK,
Chief Clerk House of Representatives.

Concurred in by the Senate May 2, A. D. 1878.

THOS. B. COCHRAN, *Chief Clerk.*

Approved the 3d day of May, A. D. 1878.

J. F. HARTRANFT.

RESOLUTION OF 1895.

[Pennsylvania Laws, 1895, No. 8, p. 643.]

IN THE HOUSE OF REPRESENTATIVES,
January 25, 1895.

Resolved (*if the senate concur*), That we recognize in the constant influx of an ignorant and vicious class of immigrants a great and growing evil highly injurious to American workingmen and dangerous to American institutions.

We therefore urge upon Congress the necessity of the enactment of some law that will correct this evil. Believing the bill introduced by Hon. William A. Stone, of Allegheny, to be the most practical measure that has been proposed, we would respectfully but earnestly recommend its passage.

Resolved, That the chief clerk be directed to communicate this resolution to both branches of Congress.

A. D. FETTEROLF,
Chief Clerk of the House of Representatives.

IN THE SENATE.

The foregoing resolution concurred in January 28, 1895.

E. W. SMILEY,
Chief Clerk of the Senate.

Approved, the 30th day of January, A. D. 1895.

DANIEL H. HASTINGS.

RESOLUTION OF 1897.

[Laws of Pennsylvania, 1897, No. 44, p. 546.]

IN THE HOUSE OF REPRESENTATIVES,
May 26, 1897.

Whereas it is generally conceded that the unsatisfactory conditions existing at present among laboring men, whereby wages are so low and so many men are out of employment, are largely due to the continued tide of immigration, which brings the pauper labor of Europe into competition with the intelligent and skilled labor of America:

Resolved therefore by the house of representatives (*if the senate concur*), That our Senators in Congress be instructed, and our Representatives in Congress be requested, to support legislation having in view such limitation of immigration as will protect the laboring

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men of the United States from the improper and unjust competition which results from unrestricted immigration.

JERE B. REX,
Chief Clerk of the House of Representatives.

IN THE SENATE, *June 1, 1897.*

The foregoing resolution concurred in.

E. W. SMILEY,
Chief Clerk of the Senate.

Approved, the 3d day of June, A. D. 1897.

DANIEL H. HASTINGS.

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SOUTH CAROLINA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1866 (an act for the encouragement and protection of European immigration and for the appointment of a commissioner and agents, and for other purposes therein expressed).—By the act of 1866 the governor was empowered to appoint a commissioner of immigration "for the purpose of promoting, encouraging, and protecting European immigration to and in this State." It shall be the duty of the commissioner to compile statistics of lands for sale and superintend the sale and transfer to immigrants. He shall publish and advertise information of advantages offered by the State to industrious, orderly, and frugal European immigrants. He shall be specially charged with the protection of immigrants against fraud, chicanery, and peculation. He shall register applications of all immigrants for work and of all employers for laborers. He shall report annually to the legislature. He shall be assisted by one or more agents appointed by the governor. The sum of $10,000 is appropriated for the purposes defined.

Act of 1866 (an act for the better protection of immigrants and seamen in the port and harbor of Charleston).—The act of 1866 provides that it shall be unlawful for any person except a pilot, public officer, or licensed agent to board any vessel arriving before made fast at the wharf. Immigrants' hotel or boarding-house keepers shall be required to secure a license, and their agents shall wear a badge. Violations of the law shall be punished by fine or imprisonment, or both.

Act of 1880 (an act to encourage immigration into this State).—The act of 1880 provides that immigration into the State shall be encouraged by returning the amount of taxes paid upon all real estate purchased by immigrants and upon the capital used in improvements thereon, except 2 mills school tax, for a period of five years, and by authorizing the department of agriculture to use the funds under its control for that purpose.

Act of 1882.—This is an act to abolish the office of superintendent of immigration as created by the department of agriculture and to devolve the duties upon the commissioner of agriculture.

Act of 1898 (an act to restrict action of emigrant agents, and for other purposes).—The act of 1898 prohibits emigrant agents from plying their vocation in the State without first obtaining a license. An emigrant agent is a "person engaged in hiring laborers or soliciting emigrants in this State to be employed beyond the limits of the same." To obtain a license an emigrant agent must pay a tax of $500 a year in each county in which he operates.

Act of 1904 (an act to establish a department of agriculture, commerce, and immigration and to provide for the appointment and

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compensation of a commissioner).—The governor shall appoint a commissioner of agriculture, commerce, and immigration for a term of four years. The commissioner shall be charged with all matters tending to the general deveolpment of the State by inducing immigrants to enter and settle. He shall collect, compile, and publish a handbook of the State containing reliable data for general distribution. He shall make arrangements with transportation companies and immigration agencies to serve the interests of successful immigration. He shall require the heads of state institutions, departments of state government, and establishments chartered by the State to furnish information for the prosecution of his work. His efforts to promote immigration "shall be confined to white citizens of the United States, Ireland, Scotland, Switzerland, France, and all other foreigners of Saxon origin."

IMMIGRATION AND ALIEN LAWS.

ACTS OF 1866.

I.

[South Carolina State Laws, 1866, p. 409.]

AN ACT For the encouragement and protection of European immigration, and for the appointment of a commissioner and agents, and for other purposes therein expressed.

Be it enacted by the senate and house of representatives of the State of South Carolina in general assembly and by the authority of the same:

SECTION 1. That for the purpose of encouraging, promoting, and protecting European immigration to and in this State the sum of ten thousand dollars be appropriated from the contingent fund to be expended under the direction of the governor for the purposes and in the manner hereinafter provided.

SEC. 2. That the governor, by and with the advice and consent of the senate, shall appoint a commissioner of immigration, who shall open an office in the fireproof building in Charleston to perform such duties as may appertain to his office, and shall be paid for his services the salary of fifteen hundred dollars per annum out of the fund aforesaid, in quarterly payments.

SEC. 3. That it shall be the duty of said commissioner of immigration to advertise in all the gazettes of the State for lands for sale; to cause such lands, after having been duly laid off, platted, and described, at the expense of the owner or owners of said lands, to be appraised by three disinterested persons, and their titles to be examined by the attorney-general or solicitor of the State, and endorsed by them, as the case may be; to open a book or books for the registry of the same, together with the price demanded and the conditions of payment. And in case such lands be selected by any immigrant, to superintend the transfer of title and other necessary instruments and proceedings of conveyance.

SEC. 4. That the said commissioner shall periodically publish, advertise, and cause to be distributed in the Northern and European ports and States, descriptive lists of such lands as have been regis-

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tered and offered for sale, together with this act, and a statement of such advantages as this State offers in soil, climate, productions, social improvements, etc., to the industrious, orderly, and frugal European immigrant.

SEC. 5. That the governor shall also appoint one or more agents for the purposes aforesaid, with such salaries or compensations as he shall determine or hereinafter may be provided for, the commissioner of immigration to prescribe the duties of such agents, and to designate their point or points of operation.

SEC. 6. That the said commissioner shall be specially charged with the protection of the immigrants, in the proper selection of their lands; in the procurement of their transportation; in the guarding of them against fraud, chicanery, and peculation; in their temporary location in proper and reasonable places of board and lodging on their arrival; and in making all such regulations and provisions as may be in any manner necessary or conducive to their welfare. And all officers of the State are hereby required and commanded to aid and assist him in the objects aforesaid whenever requested.

SEC. 7. That the commissioner shall keep a separate book, wherein he shall register all applications from citizens, free of charge, for immigrant artizans, mechanics, farmers, or male or female help of any kind, together with the kind of service demanded and the compensation offered; and another book, wherein he shall record the names, crafts, and qualifications of immigrants that are looking for employment; and he shall make memoranda of such contracts as shall be made in consequence hereof.

SEC. 8. That the said commissioner of immigration do make a report of his proceedings at the annual session of the general assembly, and as often as the executive shall require.

SEC. 9. That all the expenses contemplated or which may be occasioned by this act shall be met by the appropriation directed in the first section, and shall not in any way create a claim against the State beyond such appropriation.

In the senate house, the 20th day of December, in the year of our Lord 1866.

W. D. PORTER,
President of the Senate.

CHARLES H. SIMONTON,
Speaker House of Representatives.

Approved, December 20, 1866.

JAMES L. ORR, *Governor.*

II.

[South Carolina State Laws, 1866, p. 470.]

AN ACT For the better protection of seamen and immigrants in the port and harbor of Charleston.

Be it enacted by the senate and house of representatives, sitting in general assembly, and by the authority of the same:

SECTION 1. That it shall not be lawful for any person, except a pilot or public officer, to board or attempt to board a vessel arriving in the port or harbor of Charleston before such vessel shall have been

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made fast to the wharf without first obtaining leave from the master having charge of such vessel, or from her owners or agents.

SEC. 2. It shall not be lawful for any owner, agent, master, or other person having charge of any vessel arriving or being in the port of Charleston to permit or authorize any sailors, hotel or boarding-house keeper, not licensed as hereinafter provided, or any agent, runner, or employee of any sailor's or immigrant's hotel or boarding house to board, or attempt to board, any vessel arriving, in, or lying, or being in the harbor or port of Charleston before such vessel shall have been made fast to the wharf, or anchored, with intent to invite, ask, or solicit the boarding of any of the crew employed on such vessel.

SEC. 3. It shall not be lawful for any sailor's or immigrant's hotel or boarding-house keeper, or the employee of any sailor's or immigrant's hotel or boarding-house keeper, having boarded any vessel made fast to any wharf in the port of Charleston, to neglect or refuse to leave said vessel after having been ordered so to do by the master or person having charge of such vessel.

SEC. 4. It shall not be lawful for any person to keep, conduct, or carry on, either as owner, proprietor, agent, or otherwise, any sailor's or immigrant's boarding house, or sailor's or immigrant's hotel in the city of Charleston without having a license from the city council thereof.

SEC. 5. It shall not be lawful for any person not having the license in this act provided, or not being the regular agent, runner or employee of a person having such license, to invite, ask, or solicit in the city or harbor of Charleston, the boarding or lodging of any of the crew employed on any vessel or of any immigrant arriving in the said city of Charleston.

SEC. 6. The city council shall take the application of any person applying for a license to keep a sailor's or immigrant's boarding house or sailor's or immigrant's hotel in the city of Charleston, and upon satisfactory evidence to them of the respectability and competency of such applicant and of the suitableness of his accommodations shall issue to him a license, which shall be good for one year, unless sooner revoked by said city council, to keep a sailor's or immigrant's boarding house in the city of Charleston and to invite and to solicit boarders for the same.

SEC. 7. The city council may, upon satisfactory evidence of the disorderly character of any sailor's or immigrant's hotel or boarding house, licensed as hereinbefore provided, or of the keeper or proprietor of any such house, or of any force, fraud, deceit, or misrepresentation in inviting or soliciting boarders or lodgers for such house on the part of such keeper or proprietor or any of his agents, runners, or employees, or of any attempt to persuade or entice any of the crew to desert from any vessel in the harbor of Charleston by such keeper or proprietor or any of his agents, runners, or employees, revoke the license for keeping such house.

SEC. 8. Every person receiving the license hereinbefore provided for shall pay to the city council aforesaid the sum of twenty dollars.

SEC. 9. The said city council shall furnish to each sailor's or immigrant's hotel or boarding house keeper, licensed by them as afore-

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said, one or more badges or shields, on which shall be printed or engraved the name of such hotel or boarding house keeper, and the number and street of his hotel or boarding house; and which said badges or shields shall be surrendered to said city council upon the revocation by them, or expiration of any license granted by them as herein provided.

SEC. 10. Every sailor's or immigrant's hotel or boarding house keeper, and every agent, runner, or employee of such hotel or boarding house keeper, when boarding any vessel in the harbor of Charleston, or when inviting or soliciting the boarding or lodging of any seaman, sailor, or person employed on any vessel, or of any immigrant, shall wear, conspicuously displayed, the shield or badge referred to in the foregoing section.

SEC. 11. It shall not be lawful for any person, except those named in the preceding section, to have, wear, exhibit, or display any such shield or badge to any of the crew employed on any vessel, or to any immigrant so arriving in the city of Charleston, with the intent to invite, ask, or solicit the boarding or lodging of such immigrant or of any of the crew employed on any vessel being in the harbor of Charleston.

SEC. 12. Whoever shall offend against any or either of the provisions contained in sections 1, 2, 3, 4, 5, 10, and 11 in this act shall be deemed guilty of a misdemeanor, and shall upon a conviction thereof be punished by imprisonment for a term not exceeding one year, and not less than thirty days, or by a fine not exceeding two hundred and fifty dollars, and not less than one hundred dollars, or by both such fine and imprisonment.

SEC. 13. The word "vessel" as used in this act shall include vessels propelled by steam.

In the senate house the 20th day of December, in the year of our Lord 1866.

W. D. PORTER,
President of the Senate.

CHARLES H. SIMONTON,
Speaker House of Representatives.

Approved, December 20, 1866.

JAMES L. ORR, *Governor.*

ACT OF 1880.

[South Carolina State Laws, 1880, No. 357, p. 432.]

AN ACT To aid and encourage immigration into this State by returning the amount of taxes paid by immigrants upon all real estate purchased by them, and upon the capital used in improvements thereon, except the two mills school tax, for a period of five years, and by authorizing the department of agriculture to use the funds under its control, in its discretion for that purpose.

Be it enacted by the senate and house of representatives of the State of South Carolina, now met and sitting in general assembly, and by the authority of the same:

SECTION 1. That on and after the passage of this act, for the purpose of inducing immigration to this State for the purpose of becom-

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ing residents thereof and citizens of the same, and upon satisfactory proof furnished to the comptroller-general of this State of his or their purpose to so make this State his or their home, shall be entitled to receive from the treasury of the State, annually, a sum equal to the aggregate amount of state taxes, less two mills, to be used for school purposes, which shall be exclusively so applied, which shall be levied and collected upon any and all real estate purchased by said immigrant or person moving into this State, in any city, town, or county within this State, used as a residence or used in connection therewith, and upon the capital which may be invested in the improvement and development of said real estate, not to exceed in value the sum of fifteen hundred dollars, by the said immigrant or said person moving into this State, the said sum of money to be fixed and determined by the comptroller-general of the State, in accordance with the tax returns, and to be paid by the state treasurer on the warrant of the said comptroller-general.

SEC. 2. That it shall be the duty of all county treasurers and of the treasurers of all municipal corporations which are by law authorized to levy and collect taxes, to pay to the individual or individuals described in the first section of this act a sum of money, annually, equal to the aggregate amount of county or municipal taxes levied and collected during any year upon the property or capital described in the first section of this act.

SEC. 3. That the benefits of this act shall extend to the real estate purchased and the capital invested in the improvement and development of the same designated in the first section of this act for a period of five years after the purchase and improvement of said real estate, and no longer.

SEC. 4. That the department of agriculture be, and is hereby, authorized to use so much of the fund now by law under the control of that department as may in its discretion be deemed proper to encourage and aid in the introduction of intelligent and thrifty immigrants into this State.

SEC. 5. This act shall take effect on and after its passage.

Approved, December 24, 1880.

ACT OF 1882.

[South Carolina State Laws, 1882, No. 42, p. 61.]

AN ACT To abolish the office of superintendent of immigration and to devolve the duties thereof on the commissioner of agriculture.

Be it enacted by the senate and house of representatives of the State of South Carolina, now met and sitting in general assembly, and by the authority of the same, That the office of superintendent of immigration, as created by the department of agriculture in this State, be, and the same is hereby, abolished, and the duties thereof devolved upon the commissioner of agriculture, the same to take effect on and after the 5th day of April, 1883.

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In the senate house, the 21st day of December, in the year of our Lord 1882.

J. C. SHEPPARD,
President of the Senate.
JAMES SIMONS,
Speaker, House of Representatives.

Approved, December 21, A. D. 1882.

HUGH S. THOMPSON,
Governor.

ACT OF 1898.

[South Carolina State Laws, 1898, No. 24, p. 812.]

AN ACT To prohibit emigrant agents from plying their vocation within this State without first obtaining a license therefor, and for other purposes.

Be it enacted by the general assembly of the State of South Carolina:

SECTION 1. That from and after the approval of this act no person shall carry on the business of an emigrant agent in this State without having first obtained a license therefor from the state treasurer.

SEC. 2. That the term emigrant agent, as contemplated in this act, shall be construed to mean any person engaged in hiring laborers or soliciting emigrants in this State to be employed beyond the limits of the same.

SEC. 3. That any person shall be entitled to a license, which shall be good for one year, upon payment into the state treasury, for the use of the State, of five hundred dollars in each county in which he operates or solicits emigrants for each year so engaged.

SEC. 4. That any person doing the business of an emigrant agent without having first obtained such license shall be guilty of a misdemeanor, and upon conviction shall be punished by fine, not less than five hundred dollars and not more than five thousand dollars, or may be imprisoned in the county jail not less than four months, or confined in the state prison, at hard labor, not exceeding two years for each and every offense, within the discretion of the court.

SEC. 5. That all acts and parts of acts inconsistent with this act be, and are hereby, repealed.

Approved the 11th day of February, A. D. 1898.

ACT OF 1904.[a]

[South Carolina State Laws, 1904, No. 259, p. 449.]

AN ACT To establish a department of agriculture, commerce, and immigration and to provide for the appointment and compensation of a commissioner.

Be it enacted by the general assembly of the State of South Carolina:

SECTION 1. That a state department of agriculture, commerce, and immigration is hereby created, which shall be charged as far as possible with the execution of the work usually devolved upon a bureau of immigration, a bureau of agriculture, and a bureau of publicity.

[a] The parts of this law relating to immigration were subsequently repealed.

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SEC. 2. That immediately after the approval of this act, the governor, by and with the consent of the senate, shall appoint, for a term of four years, a commissioner of agriculture, commerce, and immigration, who shall have the qualifications of a good moral character and a competent knowledge of matters of immigration, agriculture, manufacturing, publicity, and general industries: *Provided*, The governor may remove the commissioner for cause at any time and appoint a successor in like manner. That the commissioner shall be empowered to appoint a competent clerk, whose qualifications shall be the same as required by the commissioner.

SEC. 3. That the compensation of the commissioner of agriculture, commerce, and immigration shall be $1,900 per annum, and that of the clerk $1,000 per annum, payable monthly by the state treasurer, on the warrant of the comptroller general.

SEC. 4. That the sum of $2,000, if so much be necessary, be appropriated for the purpose of defraying the expenses of the department, including postage, the publication from time to time of circulars of information, handbooks on the resources of the State, traveling expenses of the commissioner or his clerk, or such persons as may be necessarily employed, and other legitimate expenses, such accounts to be itemized and presented to the comptroller general, who shall draw his warrant on the state treasurer, who is hereby directed to pay the same.

SEC. 5. That the commissioner shall make and submit to the governor, on or before the 10th day of January of each year, a report covering the department's work of the preceding year, and the report shall be transmitted to the general assembly, printed in the same manner as other public documents, or as shall otherwise be ordered.

SEC. 6. That the commissioner shall be charged with all work looking to the promotion of agriculture, manufacturing and other industries, cattle raising, and all matters tending to the industrial development of the State, with the collection and publication of information in regard to localities, character, accessibility, cost and modes of utilization of soils, and more specifically to the inducement of capital and desirable immigration by the dissemination of information relative to the advantages of soil and climate and to the natural resources and industrial opportunities offered in this State; that he shall also collect from the farmers and land owners of the State and list information as to lands, stating the number of acres, location, terms upon which they may be bought, leased, or shared to desirable settlers; that a land registry shall be kept, and in connection therewith, from time to time, publication shall be made, descriptive of such listed agricultural, mineral, forest, and trucking lands and factory sites as may be offered to the department for sale or share, which publication shall be in attractive form, setting forth the county, township, number of acres, names and addresses of owners, and such other information as may be helpful in placing inquiring home seekers in communication with land owners.

SEC. 7. That the commissioner shall collect and collate in the form of a handbook of the State, to be issued when practicable, information showing the natural and industrial resources and advantages of the State of South Carolina, dealing with soil, climate, raw and manufactured products, agricultural and horticultural products, tex-

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tile fabrics, manufacturing industries, mines and mining, native woods, means of transportation, cost of living, market, and all material and social advantages for those seeking homes and investments in agricultural or manufacturing industries.

SEC. 8. That the commissioner be empowered to make such arrangements with oceanic and river steamship companies and immigration agencies in this country and abroad as may best serve the interests of successful immigration; the necessary expenditures being made within the annual appropriation for the general expenses of this department: *Provided, however*, Nothing herein shall forbid the commissioner acting without fee as the agent of such citizens of the State, who, through the South Carolina Immigration Association and the department, wish to meet excess expenses of bringing desirable immigrants to their farm or other lands. That in the discharge of these duties the commissioner, or such person as he may select, is empowered to visit such immigration centers whenever necessary to produce the best results.

SEC. 9. That in order to facilitate the collection and collation of exact information of the resources of the State, on all lines, the heads of the several departments of the state government and of the state institutions are hereby required to furnish accurately such information as may be at their command to the commissioner when called upon for same. That the commissioner is hereby empowered to enter industrial establishments, chartered by the State, in prosecution of this work, and that the corporations operating same shall furnish such information as may not be injurious to their business when requested to furnish the same by the commissioner of agriculture, commerce, and immigration.

SEC. 10. That nothing in this act contained shall be so construed as to repeal or interfere with the duties or work of the chemist or faculty of Clemson Agricultural and Mechanical College, the state geologist, or any other department of the state government of South Carolina.

SEC. 11. That immigrants shall be confined to white citizens of the United States, citizens of Ireland, Scotland, Switzerland, France, and all other foreigners of Saxon origin.

That with regard to agricultural interests under this act it shall be the duty of the commissioner to secure those immigrants who desire to purchase homes, become citizens of this State, and will build up agricultural interests.

SEC. 13. That this act shall be a public act and take effect upon its approval by the governor.

Approved, 23d day of February, A. D. 1904.

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TENNESSEE.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Senate resolution of 1865.—The Tennessee state senate, in 1865, adopted a resolution providing that a committee of immigration be created, consisting of five members, to whom the whole subject of immigration shall be referred.

Act of 1867 (an act incorporating the German Association of the City of Nashville for the purpose of encouraging and protecting immigration to Tennessee).—The act of 1867–68 provides for the incorporation of the German Association of the City of Nashville. The association is vested with general corporate powers, including that of accepting "donations and contributions from parties interested in seeing the tide of immigration take its way to Tennessee." "The object of the association shall be to aid immigrants in obtaining employployment, for facilitating their travel, for protecting them against fraud," and to grant such other aid as may be within its means and province. It may act as agent for buyers or sellers of land, for procuring laborers, for procuring employment for immigrants, and for other similar purposes. And it may establish branch associations in all cities and counties of the State.

Act of 1867 (an act to encourage immigration to Tennessee).—A board of immigration shall be created, consisting of five members, three of whom shall be appointed by the governor. The governor and secretary of state shall be ex officio members. It shall be the duty of the board to advance and encourage immigration to this State either from other States or from Europe. The board shall publish and disseminate information relating to the resources of the State, and shall commission agents to travel in this country or Europe for the purpose of advancing immigration. It shall have power to solicit contributions to promote the purposes of the act.

Act of 1869 (an act to encourage immigration).—Under the act of 1869 the Mississippi Valley Immigration Company is incorporated with broad, general corporate powers designed to encourage immigration into the State.

Act of 1870 (an act in behalf of the Mediterranean and Oriental Steam and Navigation Company, and for the encouragement of foreign immigration).—By an act of 1870 the Mediterranean and Oriental Steam and Navigation Company was chartered for the purpose of establishing a line of steamships to transport immigrants from European ports to the Southern States. Comprehensive corporate powers and privileges were conferred upon the company.

Act of 1870.—The act of 1870 provides for the repeal of the act of 1867 "to encourage immigration to Tennessee."

Act of 1871 (an act to establish a bureau of immigration and for other purposes).—Reciting that "the early, enlarged, and permanent

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prosperity of the State depends upon a more full and perfect development of her resources," and "that the development is not possible without the aid and influence of immigration," a statute was enacted in 1869–70 creating a board of immigration. It shall consist of three commissioners of immigration appointed by the governor. It shall be the duty of the commissioners to disseminate data, employ agents, and exercise every available influence to attract and promote immigration, and also to protect immigrants against false information and peculation. The commissioners may appoint assistant commissioners to aid in all details of the work. They shall keep a record of lands for lease, sale, or colonization, and of demands for labor. They may solicit contributions for the purposes contemplated by this act.

Act of 1875 (an act to amend an act to create a bureau of immigration).—A commissioner of immigration and an advisory board, which shall be appointed by the governor for a term of two years, are authorized by the act of 1875. Their powers and duties are practically the same as those prescribed in the amended act.

Act of 1877.—The act of 1877 repeals the statute of 1875 establishing a bureau of immigration, and the duties of the commissioner of immigration are devolved upon the commissioner of agriculture, statistics, and mines.

Act of 1907 (an act to establish a department of immigration and to provide for the appointment of a commissioner and commission.)—The act of 1907 creates a department of immigration, of which the commissioner of agriculture shall have supervision. A commissioner of immigration shall be appointed for a term of two years, to perform the practical duties involved in attracting capital for investment, inducing desirable immigrants to settle and develop the available lands, and securing intelligent, efficient workmen to engage in the various productive pursuits and employments of the State. A commission of ten citizens shall cooperate with the commissioner without compensation. The commissioner shall prepare complete data relating to all phases of the State's resources, advantages, and industries, and shall disseminate it in whatever places its influence may tend to produce practical results. He shall arrange transportation rates, plans, and facilities. He shall collect information available from heads of departments of state government and state institutions, and shall have power to require data with reference to their business from all establishments chartered by the State.

IMMIGRATION AND ALIEN LAWS.

RESOLUTION OF 1865.

[Tennessee Acts, 1865–66, No. 12, p. 411.]

SENATE RESOLUTION Raising a committee on immigration.

Resolved, That a committee on immigration be raised, consisting of five members, to whom the whole subject of immigration be referred.

JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted October 6, 1865.

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ACT OF 1867.

I.

[Tennessee Acts, 1867–68, ch. 21, p. 23, of Private Acts.]

AN ACT Incorporating the German Association of the city of Nashville for the purpose of encouraging and protecting immigration to Tennessee.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Adolph Nelson, C. C. Giers, Henry Metz, John Ruhm, Charles Nelson, R. Wietz, Christian King, R. Knaffle, G. W. Goettinger, and their associates and successors, be, and they are hereby, constituted a body politic and corporate, under the name and style of "The German Association of the City of Nashville, for the Purpose of Encouraging and Protecting Immigration to Tennessee;" and by that name they shall sue and be sued, plead and be impleaded, in all courts of law and equity; acquire, enjoy, and possess estate in fee, or otherwise, real and personal, and dispose of the same; accept donations and contributions from parties interested in seeing the tide of immigration take its way to Tennessee; have and use a common seal, and enjoy all the rights, privileges, and powers appertaining to bodies politic and corporate by law, for the term of ninety-nine years, and shall have succession.

SEC. 2. *Be it further enacted*, That the members of said association elect a president, vice-president, a secretary, a treasurer, and three trustees, who shall hold their respective offices from the date of their election until January 1, 1869, when a new election for all the officers shall take place; and the officers then elected shall hold their offices thereafter, for the period of one year, and until their successors shall have been duly elected and installed.

SEC. 3. *Be it further enacted*, That the object of said association shall be to aid immigrants in obtaining employment, facilitating their travel in protecting them against fraud, and generally to grant them such aid as is necessary, and which is within the province and the means of the association; all which to be done under the constitution, by-laws, rules, and regulations of the association.

SEC. 4. *Be it further enacted*, That the association is hereby authorized to procure laborers for parties applying to them; to act as agents for land owners desirous of selling their property, and for parties wishing to buy lands in the State of Tennessee: *Provided, however*, That no agent or member of said association shall be allowed fees for his individual use as agent of the said association. All compensation for work done in the name of the association to be paid for out of the funds of the association.

SEC. 5. *Be it further enacted*, That said association shall have the right to adopt such constitution, by-laws, rules, and regulations as they may deem proper: *Provided*, That they are not inconsistent with the laws of the State and of the United States.

SEC. 6. *Be it further enacted*, That the officers of said association be called a board of directors, to do business in the name and with the consent of the association, and under the rules and regulations governing the same; that they be authorized to establish agencies

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anywhere in the State, and abroad, for the purpose of carrying out the objects of the association.

SEC. 7. *Be it further enacted*, That in all cities and counties of the State of Tennessee branch associations may be established under this charter, and under the auspices of the above association: *Provided*, That such branch associations be governed by the same constitution and laws: *And provided further*, That any of the said branch associations file with the board of directors of the above-named association, within thirty days after their organization, a list of their officers; a copy of which list is also to be filed at the office of the secretary of the state.

SEC. 8. *Be it further enacted*, That branch associations established under provisions of section 7 of this act, shall have power to pass their own by-laws to suit their special localities: *Provided, however*, That such by-laws do not interfere with any of the provisions of the constitution under this charter.

SEC. 9. *Be it further enacted*, That this act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed November 25, 1867.

II.

[Tennessee State Laws, 1867, ch. 15, p. 11.]

AN ACT To encourage immigration to Tennessee.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That there shall be a board of immigration created, consisting of five members, three of whom shall be appointed by the governor.

SEC. 2. *Be it further enacted*, That the governor and the secretary of state shall be ex-officio members of this board; and it shall be its duty to do all and everything which may and will advance and encourage immigration to this State, either from other States or from Europe.

SEC. 3. *Be it further enacted*, That the board shall cause to be published, from time to time, in such manner as it may deem proper and advisable, pamphlets, essays, newspaper articles, and advertisements, descriptive of the developed and undeveloped resources of the State—agricultural and mineral—and setting forth such other facts and information as shall have a tendency to attract attention and encourage immigration to the State. It shall also have power to appoint an agent or agents for the Northern or Eastern States of the United States, or for Europe, for the purpose of advancing immigration; such agent or agents to act under the instruction of said board of immigration, and shall receive such compensation for their services as said board shall allow, to be paid out of any funds that may hereafter be created; and the said board may do any act, and employ

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or draft any agencies or appliances, calculated or necessary to effect the purpose designed by this act.

SEC. 4. *Be it further enacted*, That meetings of the board shall be held on the first Mondays in November, February, May, and August, at the capitol, in Nashville, and at such other times and places as the majority of the board may direct.

SEC. 5. *Be it further enacted*, That the board, at its first regular meeting, shall elect a secretary and a treasurer—said officers to be elected from the members composing the board.

SEC. 6. *Be it further enacted*, That the board of immigration is further authorized and shall have power to open books and invite and solicit contributions and endowments of money from corporations, manufacturers, and other persons; which money, when contributed, shall be under the control of and be expended by the board for the interests and purposes in the preceding sections stated.

SEC. 7. *Be it further enacted*, That it shall be the duty of said board to cooperate with the Bureau of Immigration, at Washington City, and to make regular reports of its labors and proceedings to the general assembly of the State, accompanied by such references, suggestions, and statistics as may furnish good and reliable data and proper basis for future legislation on the subject of immigration.

SEC. 8. *Be it further enacted*, That the sum of one thousand dollars annually is hereby appropriated, out of any moneys in the treasury of the State not otherwise appropriated, for the use of the board of immigration—to be expended by said board in such manner as they shall deem expedient and best to promote the objects contemplated in this act.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed December 4, 1867.

ACT OF 1869.

[Tennessee Acts, 1869–70, ch. 14, p. 188.]

AN ACT To encourage immigration.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That J. W. Clapp, W. H. Cherry, L. D. McKissick, E. M. Apperson, H. D. Buckley, F. A. Taylor, Gid. J. Pillow, T. C. Flurnoy, and Isham G. Harris, and their associates, successors, and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of "The Mississippi Valley Immigration Company," and by that name shall have corporate succession for ninety-nine years, and shall have power to sue and be sued, plead and be impleaded, to have and use a common seal, to make, alter, or abolish the same at pleasure, to establish by-laws for the government of the company, not inconsistent with the laws of the State or the United States, and to amend, change, modify, or abolish the same; to introduce immigrants on such terms and under such contracts as may be agreed upon by the company and such immigrants, not inconsistent

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with the laws of the State or the United States; to purchase, hold, mortgage, lease, sell, and convey real estate; to draw, accept, or indorse bills of exchange, foreign or domestic; to make or indorse promissory notes; to make any and all contracts necessary to the encouragement of immigration not inconsistent with the laws of the State or the United States; to hold, own, or navigate vessels or charter the same for foreign or inland transportation; and generally to have, and enjoy, and exercise all powers, rights, and privileges incident to corporations, except the power to issue bank notes; nor shall any privilege herein granted be so construed as to authorize the incorporators herein mentioned to engage in banking.

SEC. 2. *Be it further enacted*, That any one or more of said corporators may open books for the subscription of the stock in said company in shares of one hundred dollars each at such time and place as he or they may choose, and when the sum of fifty thousand dollars shall have been subscribed any three of said corporators may call a meeting of the stockholders of said company by giving ten days' notice of the time and place of such meeting by advertisement in a newspaper published in the city of Memphis, Tennessee, at which meeting a majority in amount of the stock being represented by the stockholders or their legally authorized proxies, said company may organize by the election of not less than five nor more than thirteen directors, each stockholder being entitled to one vote for each share of stock subscribed by him; and said directors shall immediately proceed to elect one of their number president of the company, and shall also elect a secretary and treasurer, and shall have power, from time to time, to elect or appoint such other officers or agents as may be found necessary to transact the business of the company. They shall fill all vacancies which may occur in their own body for unexpired terms, and shall have power to remove any officer, director, or agent of the company for malfeasance in office or other good and sufficient cause; but it shall require a vote of two-thirds of the board present at the meeting to make such removal.

SEC. 3. *Be it further enacted*, That the capital stock of the company may be increased to the sum of ten millions of dollars, but no stockholder shall be liable to pay more than the amount of stock subscribed by him; *Provided, however*, That the legislature of the State of Tennessee reserves the right to amend, alter, or abolish any of the privileges in this act granted at such time as the same may be deemed proper and expedient.

SEC. 4. *Be it further enacted*, That nothing in this act shall be so construed as to authorize the importation of Chinese into Tennessee by said company, and that this act shall take effect from and after its passage.

W. O'N. PERKINS,
Speaker of the House of Representatives.

D. B. THOMAS,
Speaker of the Senate.

Passed December 1, 1869.

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ACTS OF 1870.

I.

[Tennessee Acts, 1869–70, ch. 48, p. 324.]

AN ACT In behalf of the Mediterranean and Oriental Steam and Navigation Company, and for the encouragement of foreign immigration.

Whereas the strength and prosperity of a State depend immediately upon the increase and industry of its population; and

Whereas the rapid development of the great natural resources of this State can in no other way be so surely and advantageously secured as by giving encouragement to foreign immigration, and especially to immigration from those countries of Europe whose inhabitants are familiar with the cultivation of the staple products of this State; and

Whereas the Mediterranean and Oriental Steam Navigation Company, of New York, a corporation existing under the laws of that State, with the following-named persons as a board of commissioners: Joseph R. Hanley, Joseph Medal, Walter Harriman, William Dennison, George B. Loring, at large; and Horace Greeley, Erastus Brooks, and Addison P. Jones, of New York; Benjamin Mills, of New Jersey; A. G. Moulton, of Mississippi; J. O. Noyes, of Louisiana; Wm. C. Wickam, of Virginia; E. E. Burgess, of North Carolina; A. T. Blow, of Missouri; W. L. Trenholm, of South Carolina; M. L. Rice, of Arkansas; Allen A. Burton, of Kentucky; J. J. Hinds, of Alabama; Frank S. Davis, of Tennessee; W. H. Gleason, of Florida; and John Carlisle, of Georgia; ——— ———, of West Virginia; ——— ———, of Texas, and their successors, propose to establish a line of steamships for the purpose of transporting emigrants from European ports directly to ports of the Southern States of the Union, and for the conveyance of mails of the United States under an act of Congress; such steamships to be owned by said company, navigated by citizens, and sailing under the flag of the United States; therefore,

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That it shall be lawful for any company of Tennessee, for the purpose of aiding the Mediterranean and Oriental Steam Navigation Company, of New York, in its operations for establishing and maintaining a line of steamships from the European ports directly to ports of the Southern States of the Union, and promoting immigation into this State, to subscribe for and own stock in said company, and to pay therefor in money or in lands at prices to be agreed upon, or in bonds lawfully issued, and having not more than twenty years to run, and bearing interest not exceeding six per cent per annum. And any corporation created under the laws of this State and interested in promoting immigration therein may, for the purpose of aiding to form a fund for the use and benefit of said company, deposit with the Post-Office or Treasury Department at Washington City bonds and securities of any of the Southern States of the Union, under the provisions of such act or acts of Congress as may be passed therefor, and pursuant to such contract or stipulations as may be agreed upon by and between such

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corporation and said company: *Provided*, That nothing is hereby intended to confer upon any county, town, or city in this State the power to so contract and bind themselves.

SEC. 2. *Be it further enacted*, That said company shall have the right to purchase, receive, hold, mortgage, or convey or otherwise dispose of lands and real estate in this State, and to possess, exercise, and enjoy therein all its chartered rights, privileges, and immunities as granted and conferred under the laws of the State of New York, not inconsistent with the laws of this State; to transport and have the care of immigrants to any place within or across this State; to contract for the conveyance of merchandise and property, and hold the same in its care and custody; to receive and hold on deposit the money of immigrants and other persons, and issue bills of exchange and certificates of indebtedness payable in or out of this State; to make advances for freights, commissions, insurance, and other expenses, for a reasonable compensation as may be agreed upon by the parties in interest; and all contracts, obligations, and agreements made by said company or its duly authorized officers or agents in any other State or in any foreign country, for the purpose of conducting and promoting immigration as aforesaid or for the purchase, sale, conveyance, or other disposition of lands and real estate, shall be held as valid and binding in this State, and may be enforced in the courts thereof the same as though they were executed within this State.

SEC. 3. *Be it further enacted*, That for the purpose of encouraging immigration into this State and promoting the rapid development of its great natural advantages and resources, there shall be paid from the treasury of this State to said Mediterranean Oriental and Steam Navigation Company of New York for each able-bodied foreign immigrant from Europe, not less than fifteen nor more than fifty years of age, who shall be introduced into this State by said company at any time within ten years from the passage of this act, and who shall reside therein for one year after his introduction without becoming chargeable to any town or county of this State as a pauper, the sum of twenty-five dollars, which shall be paid to said company.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

W. O'N. PERKINS,
Speaker of the House of Representatives.

D. B. THOMAS,
Speaker of the Senate.

Passed January 26, 1870.

II.

[Tennessee Acts, second session, 1869–70, ch. 61, p. 97.]

AN ACT To repeal an act to encourage immigration to Tennessee.

Be it enacted by the general assembly of the State of Tennessee:

SECTION 1. That an "Act to encourage immigration to Tennessee," passed December 4, 1867, be and the same is hereby repealed; and,

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as the public welfare requires it, this act shall take effect from and after its passage.

Passed July 6, 1870.

W. O'N. PERKINS,
Speaker of the House of Representatives.

D. B. THOMAS,
Speaker of the Senate.

Approved, July 8, 1870.

D. W. C. SENTER,
Governor.

ACT OF 1871.

[Tennessee Acts, 1871, ch. 84, p. 75.]

AN ACT To establish a bureau of immigration, and for other purposes.

Whereas the early, enlarged, and permanent prosperity of the State depends upon a more full and perfect development of her resources; and

Whereas this development is not possible without the aid and influence of immigration: Therefore

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That there shall be three commissioners of immigration appointed by the governor who shall constitute a board of immigration, one of which shall reside at Nashville, one at Memphis, and one at Knoxville.

SEC. 2. *Be it further enacted*, That said commissioners be hereby fully empowered to exercise all and every means and influence within the scope, intent, and ability of this act by causing (and it shall be their duty to cause) to be collected, compiled, published, and circulated in such manner and by such agencies and at such places as they may deem proper and advisable in the United States and in foreign countries, pamphlets and other publications descriptive of the resources and advantages of the State, and other facts and information having a tendency to attract and promote immigration, and to stipulate with such agents as may be necessary to employ in foreign countries or in the seaports of the United States, for the direction and protection of immigration from false information and peculation, and otherwise use their discretion in furtherance of immigration.

SEC. 3. *Be it further enacted*, That said commissioners shall appoint one assistant commissioner for each of the three grand divisions of the State, located respectively at Nashville, Knoxville, and Memphis, whose duty shall be to aid the commissioners in all the details of the work, and under their special control and direction.

SEC. 4. *Be it further enacted*, That said commissioners shall keep in their own and assistant commissioners' offices a record of lands for sale, lease, or colonization, agricultural, mechanical, or other requirements for labor.

SEC. 5. *Be it further enacted*, That said commissioners be authorized and have power to open books and invite and solicit contributions and endowments of money, land, or other property from cor-

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porations, manufactories, and other persons, which money or property when contributed shall be under the control of and expended by said commissioners for the aforesaid immigration purposes, and that said commissioners make annual reports of their labors and proceedings to the general assembly, accompanied with suggestions for the guidance of future legislation on the subject: *Provided*, The lands subscribed shall be taxed as other real estate: *And provided further*, That said commissioners shall elect one of their number president.

SEC. 6. *Be it further enacted*, That the State shall incur no expense under the provisions of this act.

Passed December 15, 1871.

JAMES D. RICHARDSON,
Speaker of the House of Representatives.
JOHN C. VAUGHN,
Speaker of the Senate.

Approved, December 15, 1871.

JOHN C. BROWN, *Governor.*

ACT OF 1875.

[Tennessee Acts, 1875, ch. 95, p. 172.]

AN ACT To amend an act to create a bureau of immigration.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That there shall be a commissioner of immigration appointed by the governor for the term of two years, who shall keep his office in Nashville, and to aid him an advisory board of three gentlemen shall also be appointed by the governor. Said commissioner of immigration and advisory board shall constitute the bureau of immigration.

SEC. 2. *Be it further enacted*, That said commissioner and advisory board be hereby fully empowered to exercise all and every means and influence within the scope, intent, and ability of this act by causing, and it shall be their duty to cause to be collected, compiled, published, and circulated, in such manner and by such agencies and at such places as they may deem proper and advisable, in the United States and in foreign countries, pamphlets and other publications descriptive of the resources and advantages of the State, and other facts and information having a tendency to attract and promote immigration and to stipulate with such agents as may be necessary to employ in foreign countries, or in the seaports of the United States, for direction and protection of immigration from false information and peculation, and otherwise use their discretion in furtherance of immigration.

SEC. 3. *Be it further enacted*, That said commissioner may appoint, if in his judgment the interests of the bureau require it, one assistant commissioner for each of the three grand divisions of the State, located respectively at Nashville, Knoxville, and Memphis, whose duty shall be to aid the commissioner in all the details of the work, and under his special control and direction.

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SEC. 4. *Be it further enacted*, That said commissioner shall keep in his own and assistant commissioner's office a record of lands for sale, lease, or colonization, agricultural, mechanical, or other requirements for labor, for which said commissioner and assistant commissioner shall be allowed a fee of two dollars for making each entry, to be paid by the owner of the land offered for sale, lease, or colonization, or parties desiring labor, and the funds derived from such fees shall be expended in like manner as other funds under the control of this bureau.

SEC. 5. *Be it further enacted*, That said commissioner and assistant commissioners be authorized and have power to open books and invite and solicit contributions and endowments of money, land, or other property from corporations, manufacturers, and other persons, which money or property, when contributed, shall be under the control of and expended by said commissioner or assistant commissioners for the aforesaid immigration purposes; and that said commissioner and assistant commissioners make annual reports of their labors and proceedings to the general assembly, accompanied with suggestions for the guidance of future legislation on the subject; and the said lands, when so subscribed, shall be free from taxation so long as they are the property of the bureau of immigration; and that the commissioner of immigration be authorized and empowered to enter into bonds to convey to heads of families coming into the State from other States or foreign countries forty acres out of any lands acquired by the bureau, who shall occupy said land, and within twelve months from the date of occupancy shall fence in at least ten acres and build a house thereon, and on cultivating the land for five consecutive years, the commissioner shall convey to said family the forty acres so improved, by deed in fee simple. No transfer of the right to acquire the title to land under this act shall be allowed except with the consent of the commissioner first had and obtained.

SEC. 6. *Be it further enacted*, That an appropriation of two thousand dollars be, and the same is hereby, annually made, out of any funds not otherwise appropriated, to carry out the provisions of this act, and that the comptroller is hereby authorized and directed to issue his warrant upon the treasurer of the State, quarterly, in favor of the commissioner of immigration, upon his presenting an order for one-quarter of the annual appropriation, signed by at least two of his advisory board.

SEC. 7. *Be it further enacted*, That the commissioner and assistant commissioners shall not, during their term of office, either directly or indirectly, have any interest in any real estate agency or land speculation; and that this act take effect immediately after its passage, the public welfare requiring it.

Passed March 22, 1875.

LEWIS BOND,
Speaker of the House of Representatives.
THOMAS H. PAINE,
Speaker of the Senate.

Approved, March 23, 1875.

JAMES D. PORTER, *Governor.*

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ACT OF 1877.

[Tennessee Acts, Fortieth General Assembly, 1877, ch. 117, p. 139.]

AN ACT To repeal an act passed March 22, 1875, establishing a bureau of immigration.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That section 6 of an act passed March 22, 1875, entitled "An act to create a bureau of immigration," be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the commissioner of agriculture, statistics, and mines be, and he is hereby, required to perform the duties of commissioner of immigration, without additional compensation.

Passed March 23, 1877.

HUGH M. MCADOO,
Speaker of the Senate.

EDWIN T. TALIAFERRO,
Speaker of the House of Representatives.

Approved, March 24, 1877.

JAS. D. PORTER,
Governor.

ACT OF 1907.

[Acts of Tennessee, 1907, ch. 469, p. 1576.]

AN ACT To establish a department of immigration, and to provide for the appointment of a commissioner and commission.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That a department of immigration is hereby created which shall be charged as far as possible with the execution of the work usually devolved upon a bureau of immigration: *Provided*, That the duties which shall devolve upon the commissioner of immigration shall be performed by the commissioner of agriculture and without additional compensation.

SEC. 2. *Be it further enacted*, That immediately after the approval of this act the governor, by and with the consent of the senate, shall appoint for a term of two years a commissioner of immigration, who shall have the qualifications of a good moral character and a competent knowledge of matters of immigration: *Provided*, The governor may remove the commissioner for cause at any time and appoint a successor in like manner, and that the governor is also empowered under this act to appoint a commission of ten citizens to serve without compensation and to cooperate with the commissioner in the discharge of his duties.

SEC. 3. *Be it further enacted*, That the sum of two thousand dollars, if so much be necessary, be appropriated for the purpose of defraying the expenses of the department, including postage, the publication from time to time of circulars of information, handbooks on the resources of the State, traveling expenses of the commissioner, or such person as may necessarily be employed, and other legitimate expenses, such accounts to be itemized and presented to the

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comptroller, who shall draw his warrant on the state treasurer, who is hereby directed to pay same.

SEC. 4. *Be it further enacted*, That the commissioner shall make and submit to the governor on or before the first day of January of each year a report covering the department's work of the preceding year, and the report shall be transmitted to the general assembly, printed in the same manner as other public documents or as shall otherwise be ordered.

SEC. 5. *Be it further enacted*, That the commissioner shall be charged with all work looking to the promotion of agriculture, manufacturing, and other industries, cattle raising, and all matters tending to the industrial development of the State, with the collection and publication of information in regard to localities, character, accessibility, costs, and modes of utilization of soils, and more specifically to the inducement of capital, desirable immigration by the dissemination of information relative to the advantages of soil and climate, and to the natural resources and industrial opportunities offered in this State; that he shall also collect from the farmers and landowners of the State and list information as to lands, stating the number of acres, location, the terms upon which they may be bought, leased, or shared to desirable settlers; that a land registry shall be kept, and in connection therewith from time to time publications shall be made descriptive of such listed agricultural, mineral, forest, and trucking lands and factory sites as may be offered to the department for sale or share, which publication shall be in attractive form, setting forth the county, town, number of acres, names and addresses of owners, and such information as may be helpful in placing inquiring homeseekers in communication with landowners.

SEC. 6. *Be it further enacted*, That the commissioner shall collect and collate in the form of a handbook of the State, to be issued when practicable, information showing the nature and industrial resources and advantages of the State of Tennessee, dealing with soil, climate, raw and manufactured products, agricultural and horticultural products, textile fabrics, manufacturing industries, mines and mining, native woods, means of transportation, cost of living, the market, and all material and social advantages for those seeking homes and investments in agricultural or manufacturing industries.

SEC. 7. *Be it further enacted*, That the commissioner be empowered to make such arrangements with oceanic and river steamship companies and immigration agencies in this country and abroad as may best serve the interests of successful immigration, the necessary expenditures being made within the annual appropriation for the general expenses of this department: *Provided, however*, Nothing herein shall forbid the commissioner acting without fee as the agent of such citizens of the State, who, through the Tennessee Immigration Association and the department, wish to meet excess expenses of bringing desirable immigrants to their farm or other lands. That in the discharge of these duties the commissioner or such person as he may select is empowered to visit such immigration centers whenever necessary to produce the best results.

SEC. 8. *Be it further enacted*, That in order to facilitate the collection and collation of exact information of the resources of this

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State on all lines the heads of the several departments of the state government and of the state institutions are hereby required to furnish accurately such information as may be at their command to the commissioner when called upon for same. That the commissioner is hereby empowered to enter manufacturing establishments chartered by the State in prosecution of this work, and that the corporations operating same shall furnish such information as may not be injurious to their business when required to furnish the same by the commissioner of immigration.

SEC. 9. *Be it further enacted*, That with regard to agricultural interests under this act, it shall be the duty of the commissioner to secure those immigrants who desire to purchase homes, become citizens of this State, and will build up agricultural interests.

SEC. 10. *Be it further enacted*, That this act shall take effect from and after its passage, the public welfare requiring it.

Passed, April 12, 1907.

E. G. TOLLETT,
Speaker of the Senate.

JOHN T. CUNNINGHAM, Jr.,
Speaker of the House of Representatives.

Approved, April 15, 1907.

MALCOLM R. PATTERSON,
Governor.

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TEXAS.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

After the abolition of compulsory servitude as a result of the civil war the people of Texas were so strongly impressed with the necessity for inducing desirable immigration to enter the State that a provision to facilitate that object was incorporated in the constitution of 1869.

Constitutional provision.—In Article XI, section 1, the constitution of 1869 provides that there shall be a bureau, known as the bureau of immigration, which shall have supervision and control of all matters connected with immigration. The head of the bureau shall be styled superintendent of immigration. He shall be appointed by the governor by and with the consent of the senate. He shall hold his office for four years, and, until otherwise fixed by law, shall receive an annual compensation of $2,000. He shall have such further powers and duties connected with immigration as may be given by law.

SEC. 2. The legislature shall have power to appropriate part of the ordinary revenue of the State for the purpose of promoting and protecting immigration. Such appropriation shall be devoted to defraying the expenses of the bureau, to support the agencies in foreign seaports or seaports of the United States, and to the payment in part or in toto of the passage of immigrants from Europe to this State and their transportation within this State.

Act of 1871 (an act to organize the bureau of immigration).—In pursuance of the authority contained in the organic law of the State an act was passed in 1871 creating a bureau of immigration, administered by a superintendent of immigration. It shall be the duty of the superintendent of immigration to take all steps which he may deem advisable and proper for the encouragement of immigration and for the protection of immigrants, especially in the procurement of their transportation from the coast to the interior; in guarding them against fraud, chicanery, and peculation; in their temporary location in proper and reasonable places of board and lodging on their arrival; and in making all such regulations and provisions as may be in any manner necessary and conducive to their welfare; and all officers of the State are hereby required and commanded to aid and assist him in the objects aforesaid whenever requested. It shall be the duty of the superintendent to collect and compile exhaustive data, calculated to give a correct idea of the material and social condition of the State and to diffuse correct information of its advantages to immigrants. To effectuate these objects he shall publish, in several principal languages of Europe, and distribute literature treating and describing in a true light the resources of the State and any other information of interest and utility to the immigrant.

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The superintendent shall have power to appoint, under his supervision, an agent for the Southern States, one for the Northern States, one for Great Britain, and one for continental Europe, for the purpose of aiding and advising immigration. Total compensation for agents' services shall not exceed $3,500 a year. But the governor may authorize agents to act without compensation. An appropriation of $30,000 is made for the purposes enumerated.

Constitution of 1876.—Article XVI, section 56 of the constitution of 1876, provides that "the legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a bureau of immigration or for any purpose of bringing immigrants to this State." This provision operates as a practical inhibition upon the work of the previously existing bureau of immigration.

Joint resolution of 1876.—The Texas legislature of 1876, by reason of the adverse provision of the constitution, passed a joint resolution extending "a cordial invitation to the good and industrious immigrant to come and make his home among us," and authorizing and requesting the state officers to furnish the Texas Land and Immigration Company "such official documents, at their disposal, as will aid the said company in the work of securing immigration to this State."

IMMIGRATION AND ALIEN LAWS.

ACT OF 1871.

[Laws of Texas, 1871, ch. 116, p. 127.]

AN ACT To organize the bureau of immigration.

Be it enacted by the legislature of the State of Texas:

SECTION 1. That in accordance with article eleven of the constitution there shall be created a bureau of immigration, which shall have the supervision and control of all matters connected with immigration.

SEC. 2. That the governor, by and with the advice and consent of the senate, shall appoint a superintendent of immigration who shall be at the head of said bureau, shall hold his office for four years, and receive an annual compensation of two thousand dollars.

SEC. 3. That it shall be the duty of said superintendent of immigration to take all the steps which he may deem advisable and proper for the encouragement of immigration, and for the protection of immigrants, especially in the procurement of their transportation from the coast to the interior; in the guarding them against fraud, chicanery and peculation; in their temporary location in proper and reasonable places of board and lodging on their arrival; and in making all such regulations and provisions as may be in any manner necessary and conducive to their welfare; and all officers of the State are hereby required and commanded to aid and assist him in the objects aforesaid, whenever requested.

SEC. 4. That it shall be the duty of the superintendent to collect and compile, from all the sources within his reach, such suggestions, references and statistics as are best calculated to give a correct idea

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of the material and social condition of our State, and to diffuse correct information of the advantages of this State to immigrants.

SEC. 5. That to this effect he shall from time to time prepare or cause to be prepared, published, and translated into one or two of the principal languages of Europe, pamphlets (with maps of the State), essays and articles, treating on and describing in a true light the developed and undeveloped agricultural and mineral resources of the State of Texas, the nature of her climate, soil, geographical features and advantages; her manufacturing capacities; her public improvements, and every other local information of interest and utility to the immigrant; such pamphlets to be distributed in such localities wherever, in his opinion, they may be useful and beneficial for the promotion of immigration into our State.

SEC. 6. That furthermore, it shall be the duty of the superintendent to forward to the governor, to be by him laid before the legislature, at each session, a full report of his transactions, stating all the means and channels employed by him in the accomplishment of his mission, the results attained or expected to be attained through his efforts, the statistics of immigration, and other kindred information calculated to suggest further legislation on the subject.

SEC. 7. That said superintendent shall have power to appoint, with the consent of the governor, an agent or agents for the United States and for Europe—not more than two agents, one for the Northern and one for the Southern States of the United States, and two for Europe; of the latter, one for Great Britain, and one for the continent; for the purpose of aiding or advising immigration. And such agent or agents shall act under the instruction of the superintendent of immigration, who shall also fix and allow their compensation for their services, to be paid out of the fund created as hereafter provided, said salary not to exceed thirty-five hundred dollars per annum. And that the governor have power to authorize or accredit persons as agents or lecturers, other than the commissioners herein named, so as to represent abroad the claims of Texas as a field for immigrants, for each separate State, country or sovereignty: *Provided*, That such agents are not to receive compensation from the State for such services.

SEC. 8. That the sum of thirty thousand dollars, or so much of it as may be necessary, be appropriated from any money in the treasury not otherwise appropriated, to be expended for the purposes of the bureau of immigration.

SEC. 9. That this act take effect and be in force from and after its passage.

Approved, May 23, 1871.

RESOLUTION OF 1876.

[Laws of Texas, 1876, p. 317.]

Whereas the constitution inhibits this State from expending money in the interest of immigration, and whereas an impression prevails that the people of this State are indifferent or opposed to immigration from the older States of the Union and from foreign nations, and whereas the Texas Land and Immigration Company of St.

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Louis, a corporation organized under the general statutes of the State of Missouri, composed of men of known integrity of character, business reputation, possessing ample means, have undertaken to carry on a free communication with the other States of the Union and with foreign countries, furnishing information of the great resources of the State of Texas, her climate, soil, minerals, and advantages presented for the investment of capital in manufactures and other advantages to the immigrant; therefore, be it,

SECTION 1. *Resolved by the legislature of the State of Texas*, That the people of Texas extend a cordial invitation to the good and industrious immigrant to come and make his home among us, and that we will extend to him a hearty welcome, and that the state officers are authorized and requested to furnish the agents and officers of said company such official documents at their disposal as will aid the said company in the work of securing immigration to this State; *Provided*, The same be done without any cost to the State.

Takes effect ninety days after adjournment.

Approved, August 28, 1876.

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VIRGINIA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1866 (an act to encourage immigration and to protect immigrant labor).—The recent radical change in the labor system of the South has rendered the introduction of a new class of laborers necessary, and therefore to encourage and protect the importation of persons for this purpose these provisions are enacted into law. Contracts for a period of labor not exceeding two years shall be respected and enforced in Virginia. Contracts by a male minor of 16 years and female minor of 18 years with the assent of father, mother, or guardian is valid and binding. Contract by a married woman with her husband's assent is valid and binding. Contracts shall be made in duplicate—one in English, the other in the vernacular of the immigrant—and recorded in the office of the county court within forty days after the term of service begins. Immigrants may require personal security for the payment of wages, and may recover wages, with damages, if discharged without sufficient cause. Any contract immigrant failing to enter upon his service or leaving his employer's service without sufficient cause shall be liable for double the amount of his wages for the unexpired term of service.

Any person inducing a contract immigrant to violate his contract is liable to a penalty of fine and imprisonment. Any immigrant leaving the service of his employer before repaying cost of passage or other funds advanced is liable to a fine and imprisonment. Similar laws enacted in other States shall be given full faith, credit, and effect in Virginia if reciprocal in their operation.

Act of 1866 (an act to promote and encourage immigration into the State of Virginia).—A State board of immigration was created in 1866, with three members and corporate power to promote and encourage immigration into the State. It shall be the duty of the board to adopt a practical plan to introduce sober and industrious emigrants from Europe; to correspond with European emigration agencies and steamship companies; to publish information showing the State's natural resources, demand for labor, and inducements for home seekers; to supply accurate data to emigrants desiring to remove to this country; to assist emigrants in removing to Virginia; to arrange to receive and to transport them to their destination; and to adopt such general measures as will tend to secure or facilitate the introduction of foreign labor into the State. The board shall not permit the introduction of any person likely to become a public charge. The board shall appoint a "commissioner of immigration" and prescribe his duties. The board shall report annually to the legislature. It shall be paid by the employer a bonus of $5 for each laborer over 16 years placed in his service. The employer shall not charge the bonus against the employee under penalty of fine. Any expenses incurred for the benefit of immigrants shall be

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refunded to the board out of the first wages received. An action lies against the employer for the amount. The board may receive donations or loans of money to conduct its work. All expenses shall be defrayed by donations, loans, and fees received.

Act of 1866.—The Virginia Immigration Society was chartered in 1866 for the purpose of bringing immigrants to Virginia. It was empowered to capitalize at not exceeding $300,000, to hold not over 5,000 acres of land, and to sell, lease, rent, or mortgage such lands and erect buildings thereon for sale, lease, or rent.

Act of 1866.—The Virginia Immigration and Land Company was incorporated in 1866 for the purpose of inducing immigrants to engage in the various occupations of labor in Virginia. It was granted power to capitalize at not more than $100,000; to hold real estate not exceeding 15,000 acres; to establish and maintain lines of vessels; to deal in foreign exchange; to grant policies of insurance; and to perform other corporate functions requisite and proper for the promotion of its general purposes.

Act of 1866.—The Virginia Land and Aid Immigration Company was created a body politic and corporate in 1866 for a period of twenty years. The purposes of its creation were defined to be: First, to induce and encourage immigration into Virginia of laborers for hire and to provide for their employment from the time of their arrival until prepared to provide for themselves; second, to induce and encourage immigration from abroad of persons desiring to lease or purchase lands in Virginia and to provide lands for them; third, to purchase or lease lands in Virginia to be resold or relet to immigrants, provided the company shall not hold at any one time more than 100,000 acres, and provided that after January 1, 1881, it shall not be lawful for the company to hold more than 10,000 acres of land at any one time; fourth, to act as agents for the sale or leasing of lands in Virginia to immigrants; and, fifth, to aid immigrants from abroad to come to Virginia by providing for their accommodation vessels to be owned or chartered by the company for that purpose.

Act of 1866.—The Virginia Land, Trust, and Immigration Company was incorporated in 1866 with power to buy and sell land; to acquire, hold, and dispose of all forms of property; to loan money on securities or other property; to discount negotiable paper; to conduct a banking business; to operate steamships; to build docks and wharves; to erect warehouses; to transport goods, wares, and merchandise; to issue policies of insurance; to contract abroad for labor, African excepted, for periods of service not exceeding three years; and to exercise other necessary and incidental corporate powers.

Act of 1866.—The Virginia and North Carolina Land, Emigration, and Colonization Society was incorporated in 1866 with the power to establish agencies in Europe or elsewhere for the purpose of encouraging, assisting, and transporting immigrants to the United States; to establish lines of vessels between ports of this country and Europe; to acquire, hold, and transfer land; to issue insurance upon property of immigrants; to receive money on deposit and to do a limited banking business; to transport property under the powers granted to express companies; and to perform the functions of the general business corporation.

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Act of 1866.—The American Immigration and Land Company was incorporated in 1866, limited to twenty years, for the purpose of encouraging men and women from any one or more of the kingdoms and States of Europe to immigrate into the Southern States, supplying white men and women immigrants with land and furnishing labor and skill for the cultivation and improvement of the lands in the South. The company was empowered to purchase and hold not exceeding 25,000 acres of land in Virginia, to sell, transfer, and convey lands, and to exercise the ordinary corporate powers.

Joint resolution of 1867 (in reference to immigration to the State of Virginia).—A resolution adopted by the general assembly in 1866–67 extends an invitation to men of all countries to settle the surplus lands and engage in all great industrial pursuits in Virginia. It recommends that each county appoint an immigration agent and take practical action to achieve that end.

Act of 1870 (an act to amend and reenact an act to encourage immigration and protect immigrants, passed March 2, 1866).—The act recites that it is essential to the material prosperity of the Commonwealth that labor be protected by law and proper inducements held out for the immigration of industrious foreigners. It makes no material changes in the original act upon which it is based.

Act of 1873 (an act for the encouragement of immigration).—In the preamble to the statute it is made manifest that in order to restore and improve agriculture, develop the numerous mineral resources, introduce and support manufacturing industries, and establish a population commensurate with the capacity of a vast, sparsely populated territory it is eminently expedient to invite the migratory people of European and American States to fix their homes and invest their capital in Virginia. The statute provides that a political and geographical summary of government and characteristics of Virginia shall be prepared and published for distribution. For this purpose $5,000 is appropriated. A board of immigration shall be constituted of the governor, lieutenant governor, secretary of the Commonwealth, adjutant general, and treasurer. The president of the board shall be the governor and the secretary shall be the secretary of state. A report shall be made every year to the legislature.

Act of 1874 (an act to amend and reenact section 5 of an act for the encouragement of immigration, approved March 29, 1873).—This act provides that the publications of the board of immigration shall be supplied, to persons desiring them, at the actual cost of production.

Act of 1875 (an act to promote the formation of immigration societies throughout the Commonwealth).—This act authorizes the circuit courts of the Commonwealth to incorporate immigration societies. They shall be invested with the ordinary rights and privileges enjoyed by commercial corporations of similar character. It shall be the business of each society to bring together buyers and sellers of land and to furnish correct information. Each society shall have the privilege of selling lands on commission under the same rules and restrictions as other land agents.

Act of 1875 (an act for the encouragement of land purchasers and actual settlers in Virginia, and to repeal an act approved March

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29, 1873, entitled "An act for the encouragement of immigration").—This act provides that immigrants from European countries and American States shall be invited to settle in and invest capital in Virginia; and that information about all advantages offered shall be effectually diffused. A state board of immigration are constituted of the governor, speaker of the house, secretary of the commonwealth, auditor of public accounts, and treasurer. Information by descriptive pamphlets, maps, and other documents shall be published setting forth geographical and commercial relations, internal and external communications, and other facts of interest and import. The descriptive summary authorized by act of March 29, 1873, shall be published in modified form. The cost of publication shall not exceed the amount appropriated. The secretary of the board, who shall be the register of the land office, shall take charge of all publications and publish the place and terms of sale. All publications issued shall be authenticated by the governor under the seal of state. Agents may be appointed to represent the board in arranging "for transportation, reception, care, proper treatment, and protection of settlers, and for facilitating them to their respective destinations." The board may act as agent in the sale of lands and fix regulations to defray expenses. Ten thousand dollars shall be appropriated for the purposes of the act; and no member or agent of the board shall receive any compensation or benefit except that provided by law.

Joint resolution of 1877.—A joint resolution was adopted authorizing the board of immigration to distribute gratuitously the Geographical and Political Summary of Virginia published by the board.

Act of 1879 (an act to provide for the creation of a commissioner and bureau of immigration).—In order to secure practical results and substantial benefits from the efforts and expenditures of the State, individuals, and corporations to encourage and promote immigration and investment of capital it is deemed important and essential to put into operation a permanent organization of the State for the continuance and prosecution of this work. The bureau of immigration of Virginia shall be established. It shall be conducted by a board of managers composed of the commissioner of agriculture, as ex-officio chairman, and styled commissioner of immigration, and such additional number of managers, not exceeding twelve, as shall be selected and shall contribute one hundred dollars or more per annum to the maintenance of the board. The business and duty of the board shall consist of furnishing comprehensive data concerning all phases and characteristics of the life and interests of the State to prospective settlers and investors, to arrange satisfactory plans for transportation of persons and property, and to take any other action tending to secure an increase of population through immigration and the judicious investment of capital in the various industries of the State.

Act of 1888 (an act to repeal the immigration acts, approved March 29, 1873).—The act of 1888 recites that it is deemed expedient in the present condition of the Commonwealth to abolish the board of immigration and restore to the treasury the funds remaining unexpended in the hands of the board.

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Act of 1894 (an act to encourage immigration into the Commonwealth of Virginia and to promote sales of lands within the Commonwealth to immigrants).—The act of 1894 provides a specific form by which ten or more persons owning land in any county in the State may incorporate a county immigration society for the purpose of selling or leasing the lands of its members. Within six months after organization a list of its lands for sale with their location and price, and a list of prior sales shall be filed with the commissioner of agriculture.

Act of 1903 (an act defining the powers and duties of the board of agriculture and immigration and providing for the election of a commissioner of agriculture and immigration and for repealing all acts in conflict with this act).—A board of agriculture and immigration is created by statute, composed of one practical farmer from each congressional district and the president of the Virginia Polytechnic Institute. The governor shall appoint the members from the two political parties. The minority party shall have at least one-third. The board shall meet twice a year or upon call. Members shall receive necessary traveling expenses. The board shall have power to hold in trust and administer any funds received. It shall be charged with all matters tending to the promotion of the agricultural interests of the State and the introduction of capital and immigrants into the State. The commissioner of agriculture and immigration shall be elected by the people for a term of four years. He shall have supervision and control of the affairs delegated to his office by the board.

Act of 1906 (an act appropriating $10,000 to the State board of agriculture and immigration to be expended in promoting and encouraging immigration into this State).—The commissioner of agriculture and immigration is directed to appoint agents to promote and encourage the introduction of desirable immigrants, experienced in agricultural pursuits, for farm and domestic labor in this State. No pauper, criminal, or person unable to furnish acceptable certificate of good moral character shall be permitted to be sent to the State. The commissioner shall supply such agents with literature showing the resources and advantages of the State. He may advertise the State through any mediums deemed wise and expedient. He shall maintain files of applications for laborers and shall direct persons seeking employment to such applicants. Ten thousand dollars is appropriated for the purposes prescribed. The board shall fix salaries, allow expenses, and define duties; and the commissioner shall be required to report quarterly to the board and annually to the governor.

Act of 1908 (an act to amend an act approved May 20, 1903, and to repeal an act approved February 29, 1888, relating to immigration).—This statute contains the same general provisions as the act of 1903, but in certain minor particulars is amended and modified.

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IMMIGRATION AND ALIEN LAWS.

ACTS OF 1866.

I.

[Virginia State Laws, 1866, ch. 142, p. 234.]

AN ACT To encourage immigration and protect immigrant labor.

Whereas the recent radical change in the labor system of the South has rendered the introduction of a new class of laborers necessary: Therefore, to encourage and protect the importation of persons for this purpose,

SECTION 1. *Be it enacted*, That contracts for labor—a term of service not exceeding two years—made in a foreign country, shall be respected and enforced by the authorities of this State to the same extent and in the same manner as if made within the State; and any such contract made by any minor of the age of sixteen years or older, if the assent of the father, or if there be no father, the assent of the mother, or if there be no father or mother, the assent of the guardian be given to such contract and certified thereon shall be binding on said minor as fully as if he or she were of full age; and any such contract made by a married woman, the assent of the husband being given and certified thereon, shall be as binding on her as if she were a feme sole.

SEC. 2. *Be it further enacted*, That all contracts, made as aforesaid, shall be in duplicate—the original in the vernacular language of the immigrant; the duplicate in the English language; which shall be recorded in the office of the county court within forty days after the arrival of the said immigrant at the residence of his or her employer; and if not recorded within forty days, the employer shall not be entitled to the benefit of the provisions of this act until the contract shall be recorded.

SEC. 3. *Be it further enacted*, That immigrants, under contracts as aforesaid, shall have the right to apply to any justice of the peace, who shall, on said application, require personal security for the payment of wages; and any immigrant, who, without good and sufficient cause, being discharged from the service of an employer, may recover from his or her employer, in addition to the amount due for past services, damages not exceeding the wages for the unexpired term of his or her contract.

SEC. 4. *Be it further enacted*, That any immigrant, bound by contract as aforesaid, who shall, without good and sufficient cause, abandon or leave the service of his or her employer, shall be liable to said employer for double the amount of wages for the unexpired term of service; and any immigrant who shall fail to enter the service of an employer agreeable to contract, shall be liable in like manner and for a like amount; and the claim for all such liabilities shall be a lien on all future wages of such immigrant, wherever earned, or from whomsoever due, until the same be repaid; and any person who shall employ any immigrant, or otherwise entice any immigrant from his or her employer, in violation of the contract of such immigrant, shall be deemed guilty of a misdemeanor; and on conviction

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thereof shall be fined in a sum not less than the amount of wages for the unexpired term of the contract, and may be imprisoned, at the discretion of the jury trying the case, for a period not longer than six months.

SEC. 5. *Be it further enacted*, That any immigrant, who shall abandon or leave the service of an employer without repaying all passage money and all other advances, shall be deemed guilty of a misdemeanor, and on conviction, fined in a sum not more than double the amount of the wages for the unexpired term of service, and imprisoned not longer than six months, at the discretion of the jury trying the case.

SEC. 6. *Be it further enacted*, That if any other State of the United States has or shall pass an act of the same general character of this, and for like purpose, and any immigrant, under contract valid in such State, shall leave the service of his or her employer without good and sufficient cause, the employer shall have the same lien and the same rights and remedies for the enforcement of the same as employers residing within this State.

SEC. 7. *Be it further enacted*, That all the provisions of this act shall extend and apply to all contracts made with immigrants after their arrival in the United States, as well as to contracts made in a foreign country, for two years after their arrival in the United States.

SEC. 8. This act shall be in force from its passage.

Passed March 2, 1866.

II.

[Virginia State Laws, 1866, ch. 143, p. 235.]

AN ACT To promote and encourage immigration into the State of Virginia.

Be it enacted by the general assembly of Virginia:

SECTION 1. That there shall be appointed by the governor of Virginia, on the first Monday of April of each and every year, three fit and proper persons, who shall be a corporation, under the style of board of immigration.

SEC. 2. It shall be the duty of said board to settle upon and carry into operation a practical plan for the introduction of sober and industrious emigrants, with their families, from Europe, and especially from Scotland and England, into this State; to open correspondence with emigration agencies and steamship companies in Europe; to cause to be published such information as will fully show the natural resources of the State—its soil, climate, and mineral wealth and productions—and also the demand for labor, and the inducements which Virginia offers as a home to the emigrant; to cause correct and accurate intelligence to be furnished to emigrants desiring to remove to this country; to aid and assist them, as far as possible, in their removal to this State; to make suitable arrangements to receive immigrants upon their arrival, and transport them to their destination or place of employment; and generally to adopt, establish, and organize such plans and measures as will tend to secure or facilitate the introduction of foreign labor into this State.

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SEC. 3. Said board shall not introduce or aid in introducing into this State persons who would likely to become chargeable to any county or town as paupers.

SEC. 4. Said board shall appoint a fit and proper person who shall be known as the "commissioner of immigration," whose duties and salary shall be prescribed by said board and who shall be subject to removal by said board. The said board shall have power to appoint all necessary clerks and agents, to prescribe their duties, and fix their salaries.

SEC. 5. It shall further be the duty of the said board to report annually to the general assembly a full account of their acts and doings under the provisions of this act.

SEC. 6. If any person residing in this State shall receive laborers through the instrumentality of said board, such person shall pay to the said board a bonus of five dollars for each male laborer over the age of sixteen years and two dollars for each unmarried female over the age of eighteen years so furnished. Said bonus shall in no case be charged by the employers against the employee, under a penalty of fifty dollars in each case, to be recovered by suit in the name of the Commonwealth against such employer, such recovery to be paid over to said board and accounted for.

SEC. 7. If the said board shall make any advance to any immigrant laborer in the payment of passage money, or if said board shall be subjected to any outlay in lodging or feeding such laborer upon his arrival in this country or in transporting him to the place of his destination or employment, in each and all of such cases the amount so advanced to such laborer or expended in his behalf shall be a charge against him and a lien upon the first wages due to him by his employer; and it shall be the duty of the said employer, after being notified by said board of said charge against said laborer, to pay over to the said board out of said first wages the sum so advanced by said board and charged against said laborer. Said board, on the failure or refusal of the said employer to pay such sum out of the first wages as they fall due, and after notice as aforesaid, may have an action for such sum and recover the same from such employer, whether he shall have paid the said wages to the laborer or not.

SEC. 8. In no case shall the immigrant laborer or the employer of the immigrant laborer be charged by the said board or any of its agents any greater or other sum than is allowed by the provisions of this act.

SEC. 9. Said board shall have the right and authority to receive donations or loans of money. All expenses attending the operations of said board, including the salaries of its officers and agents and the actual expenses of the members of said board in attending to the business of the same, shall be paid out of such donations or loans and the fund mentioned in sections 6 and 7 of this act. In no event shall the operations of said board be a charge upon the treasury of the State.

SEC. 10. This act shall be in force from its passage.

Passed March 3, 1866.

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III.

[Virginia State Laws, 1866, ch. 180, p. 287.]

AN ACT To incorporate the Virginia Immigration Society.

Be it enacted by the general assembly:

SECTION 1. That John D. Davis, Alexander Rives, Launcelot Minor, A. F. Robertson, E. L. Shelton, William H. Richardson, James Barbour, W. B. Robertson, Robert Ellis, John M. Forbes, and such other persons as may be hereafter associated with them, shall be and they are hereby made a body politic and corporate, under the name and style of the Virginia Immigration Society, for the purpose of bringing immigrants into this State. The said persons may make, and the said society receive, subscriptions in money, lands, or other property in shares of five dollars each, to an amount not exceeding three hundred thousand dollars. The said society may hold land to an amount not exceeding five thousand acres, and shall have authority to sell, lease, rent, or mortgage such lands as they may hold, and to erect buildings thereon for sale, lease, or rent.

SEC. 2. This act shall be subject to modification and repeal at the pleasure of the general assembly.

SEC. 3. This act shall be in force from its passage.

Passed March 3, 1866.

IV.

[Virginia State Laws, 1866, ch. 181, p. 287.]

AN ACT Incorporating the Virginia Immigration and Land Company.

Be it enacted by the general assembly:

SECTION 1. That for the purpose of introducing immigrants to engage in the various occupations of labor in Virginia, James C. Chenery, Thomas E. Dudley, William C. Knight, John R. Edmunds, R. H. Dibrell, Bolivar Christian, E. S. Hammond, James Hunter, R. M. T. Hunter, Horace L. Kent, Franklin Stearns, D. S. Hufford, B. T. Wilkinson, Charles Y. Morris, W. C. Tompkins, and William Terry, their associates and successors, be and are hereby created a corporation by the name of the Virginia Immigration and Land Company, subject to such of the provisions of the fifty-sixth and fifty-seventh chapters of the Code of Virginia (edition of 1860) as are applicable to the purposes of this incorporation.

SEC. 2. The capital stock of the corporation shall be not less than fifty thousand dollars nor more than one hundred thousand dollars, in shares of one hundred dollars each. It may hold real estate to an amount not exceeding at any one time fifteen thousand acres. It shall have all necessary powers for establishing and maintaining such lines of steamships or other vessels, and may deal in foreign exchange, grant policies of insurance to such extent as may be requisite and proper to promote its general purposes under this act. Its principal offices shall be in Richmond, Virginia.

SEC. 3. Any five or more of the corporators aforenamed shall, so soon as the minimum of stock is subscribed, act as commissioners to

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organize the company in pursuance of the fifty-seventh chapter of the Code of Virginia.

SEC. 4. This act shall be in force from its passage.

Passed February 10, 1866.

V.

[Virginia State Laws, 1866, ch. 182, p. 288.]

AN ACT To incorporate the Virginia Land and Aid Immigration Company.

Be it enacted by the general assembly of the State of Virginia:

SECTION 1. That Samuel M. Wilson, Asa Rogers, W. S. Barton, R. L. Montague, Lewis D. Crenshaw, Lewis E. Harvie, W. F. Price, and all such persons as they may associate with themselves, are hereby created a body politic and corporate under the name of the Virginia Land and Aid Immigration Company; for the following purposes:

First. To induce and encourage the immigration, into Virginia, of laborers for hire, and to provide for the employment of such laborers upon their arrival, and until they shall be prepared to provide for themselves.

Second. To induce and encourage the immigration, from abroad, of persons desiring to lease or purchase lands in Virginia, and to provide such lands for them.

Third. To purchase or lease lands in Virginia, to be resold or relet to immigrants; provided said company shall not hold at any one time more than one hundred thousand acres, and provided further, that after the 1st day of January, 1881, it shall not be lawful for the said company to hold more, at any one time, than ten thousand acres of land.

Fourth. To act as agents for the sale or leasing of lands, in Virginia, to immigrants.

Fifth. To aid immigrants, from abroad, to come to Virginia, by providing for their accommodation, steam or other vessels, to be owned or chartered by the company for that purpose.

SEC. 2. The capital stock of the company shall consist of fifteen thousand shares, of fifty dollars each, with the privilege of increase to thirty thousand shares. Subscriptions to such stock may be in money, land, or other property suited to the purposes of the company, under such regulations as the company may provide.

* * * * * * *

SEC. 7. It being the design and desire of the general assembly to protect immigrants to this State against imposition and extortions, and to secure them proper reception at the landings, this company shall have the power to have its agency offices and houses of accommodations and hospitals for the reception of the immigrants at the ports of their debarkations, to send them therefrom to their new homes; and it shall have the power to establish storehouses wherever it may be convenient or necessary, for the purpose of supplying the immigrants with provisions, seeds, agricultural, and household implements and furniture.

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SEC. 9. This act shall be in force from its passage.

Passed February 5, 1866.

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VI.

[Virginia State Laws, 1866, ch. 183, p. 290.]

AN ACT To incorporate the Virginia Land, Trust and Immigration Company.

Be it enacted by the general assembly of Virginia:

SECTION 1. That William G. Paine, Robert G. Lancaster, John D. Harvey, Franklin Stearns, John G. Spotts, Alexander Dudley, W. A. Stuart, and George W. Palmer, their associates and successors, be, and are hereby, incorporated and made a body politic and corporate, under the name and style of the Virginia Land, Trust and Immigration Company; subject, however, to all the provisions of chapters 56 and 57 of the Code of Virginia (edition of 1860) applicable to corporations of this character and not inconsistent with this act.

* * * * * * *

SEC. 8. The said company shall have power and may establish a line or lines of steamships or ships propelled by other motive power to run between any ports in Virginia and ports of the United States, Europe, or elsewhere; to build docks and wharves; to erect warehouses adjacent thereto for the receipt and discharge of cargoes of ships or other vessels; to store goods, wares, and merchandise, and grant certificates therefor in such form and under such rules and regulations as the said company may from time to time by by-laws prescribe; and to transport goods, wares, and merchandise either by land or water, and make, grant, and issue fire, marine, and other protective policies of insurance.

SEC. 9. The said company shall have power and may contract at or near any port of entry in the United States, Europe, or elsewhere, except Africa, with any person whatsoever for the manual labor or skill of such person in the capacity of or as farm hands, woodchoppers, mechanics, teamsters, seamen, or any other service requiring manual labor or skill; and all such contracts so made as aforesaid and not inconsistent with existing laws shall be binding on the parties thereto; and the parties aforesaid so contracting to render manual labor, service, and skill may be held to the performance of said labor, service, and skill by the said company or its assignees under and in accordance with the by-laws, rules, and regulations of the said company in force at the time of the date of any such contract and which shall not be inconsistent with the laws of Virginia. But no contract for labor, service, and skill shall be binding for a longer period than three years from the date thereof for adults and for infant males until they shall arrive at the age of twenty-one years, and for infant females until they shall arrive to the age of eighteen years. All such contracts to be binding shall be authenticated when executed in the State of Virginia or at or near any port of entry in the United States by at least two subscribing witnesses and acknowledged before a justice of the peace, a notary public, or a judge of a court of record, or a commissioner of the State of Virginia for any of the United States; and if executed in a port without the boundaries of the United States, in the manner and form prescribed by chapter 121 of the Code of Virginia for the authentication and recordation of deeds and other writings.

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SEC. 21. This act shall be in force from the day of the passage thereof. The legislature reserves to itself the right to modify, alter, and repeal this act at any time hereafter.

Passed February 12, 1866.

VII.

[Virginia State Laws, 1866, ch. 184, p. 293.]

AN ACT To incorporate the Virginia and North Carolina Land, Emigration, and Colonization Society.

Be it enacted by the general assembly of Virginia:

SECTION 1. That William Mahone, George Blow, junior, Gilbert C. Parker, Kader Biggs, Samual M. Wilson, James E. Barry, E. C. Linsey, G. W. Camp, W. W. Wing, E. C. Robinson, George Sangster, G. W. Grice, Marshall Parks, Henry Kimberly, Samuel R. Borum, James W. Hinton, and James Y. Leigh, and others who may associate under this act, are hereby created and declared to be a body politic and corporate, by the name and style of the Virginia and North Carolina Land, Immigration, and Colonization Society; and by that name may sue and be sued, plead and be impleaded in all courts of law and equity in this State; to make and have a common seal; and to alter and amend the same at pleasure; to ordain and establish such by-laws, ordinances, and regulations, and generally to do every act and thing necessary to carry into effect this act, or to promote the object and design of this corporation, not inconsistent with the laws of this Commonwealth.

SEC. 2. To establish agencies in Europe, or elsewhere, for the purpose of encouraging, assisting, and transporting emigrants and settlers to Virginia, North Carolina, and wherever they may be disposed to locate within the limits of the United States.

SEC. 3. To establish or control one or more lines of steamers or sailing vessels from Norfolk to one or more ports in Europe or elsewhere, if such should be found conducive to the objects of this corporation.

SEC. 4. To contract for, purchase, and hold lands located in the States of Virginia and North Carolina, for the purpose of settlement and colonization, at no one time exceeding in amount twenty-five thousand acres in either State, with power to sell or lease the same to actual settlers, and all such other lands as may come under their control, by lease or consignment, by the owners thereof for the purpose of sale or settlement. But at the expiration of ten years from the passage of this act, the said company shall not be allowed to purchase or hold any other lands or other real estate, except such as may be acquired under the fifth section of this act, until the quantity then held by the said company shall be reduced below the quantity of ten thousand acres, which shall be disposed of within fifteen years from the date of this act, and thereafter the said company shall not, at any one time, purchase or hold more than ten thousand acres of land or other real estate.

SEC. 5. The preceding section shall not prevent the said company from purchasing or otherwise acquiring land or other real property, over and above the quantity of twenty-five thousand acres, in satis-

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faction of any order, judgment, or decree, or as collateral security for, or in payment of any debt, or from purchasing at any sale made for its benefit.

SEC. 6. To make insurance upon vessels, freights, leases, merchandise, specie, bullion, profits or commissions, and all interests or property of emigrants or settlers coming to this country, or remitting funds or property to Europe or elsewhere, and to enjoy and exercise all the powers, privileges, immunities, and profits granted by law to express companies; in the care and safe transmission of the money and effects of all persons placing themselves or their property under the control of this corporation.

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SEC. 17. This act shall be in force from its passage, and shall be subject to amendment, modification, or repeal at the pleasure of the general assembly.

Passed February 8, 1866.

VIII.

[Virginia State Laws, 1866, ch. 185, p. 296.]

AN ACT To incorporate the American Immigration and Land Company.

Be it enacted by the general assembly:

SECTION 1. That Thomas G. C. Davis, John B. Evans, Edward Dudley Ragland, John N. Davis, Nathaniel F. Bowe, Lawrence R. Davis, William H. Walker, and Joseph J. White, and such other persons as shall hereafter become associated with them be and they are created a body corporate and politic, by the name of the American Immigration and Land Company; and by that name shall have succession for a period of twenty years; and may sue and be sued, plead and be impleaded in all courts by their corporate name; shall have a seal, and may alter the same at pleasure.

SEC. 2. The capital stock of said company shall not be less than two hundred thousand dollars, and may be increased to any amount not exceeding five million dollars, and shall be used and employed for the encouragement of men and women from any one or more of the kingdoms and states, or the dependencies of the kingdoms and states of Europe, into the States of Virginia, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Arkansas, Florida, Louisiana, and Texas, and their settlement in the last-named States; for supplying white men and women, or immigrants, with lands, in fee or for terms of years, upon such terms, stipulations, and conditions as shall mutually be agreed upon by and between the American Land and Immigration Company and immigrants who may come into the said States for the purpose of permanently residing or laboring therein; and for the further purpose of supplying labor and skill for the cultivation of the lands situate in the above-named States, and the improvement of the same.

SEC. 3. Said company shall have power to purchase and hold lands not exceeding twenty-five thousand acres at any one time in Virginia, and to grant, sell, and convey them in fee simple, or to demise them for terms of years, within the States mentioned in the second section of this act, according to the laws of the States in which such lands

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may be purchased and held, or granted, sold, and conveyed by the said company; and all grants and conveyances of lands which shall be made to said company shall be held by them in their corporate name; and all grants, bargains, and sales, or other conveyances of lands, which shall be made by said company shall be signed and sealed by their president with their corporate seal, and countersigned by their treasurer, and when so signed and sealed and countersigned shall be effectual to pass the lands therein described, according to the legal effect, true intent, and meaning of all such conveyances, grants, bargains, and sales. After the expiration of ten years from the passage of this act the said company shall not be allowed to purchase or hold more than ten thousand acres at any one time in any of the States mentioned in the second section.

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RESOLUTION OF 1867.

[Laws of Virginia, 1866–67, ch. 14, p. 786.]

JOINT RESOLUTION In reference to immigration to the State of Virginia.

Resolved by the general assembly:

First. That we hereby invite immigration, embracing all classes of men, from all countries, to Virginia, to settle the surplus lands and engage in all great industrial pursuits.

Second. That we earnestly recommend the citizens of Virginia to hold primary meetings in their respective counties, inviting immigration within their limits, and to appoint a principal agent in each. through whom communcation may be held respecting lands offered for sale.

Third. That General Daniel Ruggles, of Fredericksburg, and General Wm. H. Richardson, of Richmond city, are hereby recommended as gentlemen well qualified to induce immigration to the State, and with whom communication by county agents is respectfully requested.

Passed March 16, 1867.

ACT OF 1870.

[Virginia Acts, 1869–70, ch. 272, p. 423.]

AN ACT To amend and reenact an act to encourage immigration and protect immigrants, passed March 2, 1866.

Be it enacted by the general assembly:

SECTION 1. That an act entitled "An act to encourage immigration and protect immigrant labor," passed March 2, 1866, be amended and reenacted so as to read as follows:

Whereas it is essential to the material prosperity of this Commonwealth, that labor be protected by law, and proper inducements held out for the immigration of industrious foreigners; therefore, to encourage and protect the immigration of such persons:

SEC. 1. *Be it enacted*, That contracts for labor for a term of service, not exceeding two years, made in a foreign country, and duly attested by the United States consul or commercial agent at the port where such immigrant shall em-

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bark, shall be respected and enforced by the authorities of this State, to the same and extent and in the same manner as if made within the State.

SEC. 2. *Be it further enacted*, That all contracts made as aforesaid shall be in duplicate, the original in the vernacular language of the immigrant, and which shall be retained by the immigrant bound thereby; the duplicate in the English language, and which shall be recorded in the office of the county court within ten days after the arrival of the said immigrant at the residence of his or her employer; and if not so recorded, the employer shall not be entitled to the benefit of the provisions of this act until the contract shall be recorded.

SEC. 3. *Be it further enacted*, That immigrants under contracts as aforesaid shall have the right to apply to any justice of the peace, who shall, on application, require personal security for the payment of wages at the times specified in said contract; or if not so specified, then month by month; and any immigrant who, without good and sufficient cause, being discharged from the service of an employer, may recover from his or her employer in addition to the amount due for past services, damages not exceeding the wages for three months of the unexpired term of his or her contract.

SEC. 4. *Be it further enacted*, That any immigrant bound by contract as aforesaid who shall, without good and sufficient cause, abandon or leave the service of his or her employer shall be liable to said employer for an amount not exceeding the sum which may or would be due for a term not exceeding three months of the term of his or her contract; which amount shall be recoverable from such immigrant in the manner prescribed by the common law of the State.

SEC. 5. *Be it further enacted*, That all the provisions of this act shall apply to all contracts made with immigrants after their arrival in the United States, as well as to contracts made in a foreign country, for two years after their arrival in the United States, except that such contracts made within the United States may be attested by a justice of the peace or other officer authorized by law to attest and affix his official seal to such contract.

SEC. 6. This act shall be in force from its passage.

Approved, July 11, 1870.

ACT OF 1873.

[Virginia Acts, 1872–73, ch. 299, p. 292.]

AN ACT For the encouragement of immigration.

Whereas it is manifest that in order to the restoration and improvement of our agriculture, the development of our numerous mineral resources, the introduction and support of manufacturing industry, and the fixed and permanent establishment of a population corresponding with the capacity of our vast and sparsely populated territory, it is eminently expedient for us at this time to invite the migratory population of other States, both American and European, to fix their homes and invest their capital amongst us; and

Whereas also it is necessary, in order to this end, that the inhabitants of distant countries should be particularly advised and informed of our form of government, and of the numerous advantages of climate, soil, and productions which are here offered to foreigners seeking settlement in new countries; and

Whereas many active and efficient agencies already exist within and without the State, capable and desirous of giving a wide distribution to such authentic publication as the State may make of her great resources, and her unrivalled inducements to settlers from foreign states: Now, therefore, the more effectually to diffuse the information aforesaid for the purposes aforesaid,

Be it enacted by the general assembly of Virginia:

SECTION 1. That a geographical and political summary shall be prepared, from such reliable authorities as may be had, setting forth

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an accurate description of the territory of this State and of its form of government; that the summary shall especially describe the various character of its soil, its productions, its climate and its population; that it shall also set forth an account of its mineral resources, of its universities, its colleges, its public free-school system, its religious advantages, and an account of its various lines of travel and transportation by water and by railroad.

SEC. 2. In order to carry out the provision of the foregoing section, the sum of five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated; the same to be designated as the immigration fund, and set apart and held as such by the treasurer of the Commonwealth, subject to the provisions of this act.

SEC. 3. For the purposes of this act, the governor, the lieutenant-governor, the secretary of the Commonwealth, the adjutant-general, and the treasurer shall constitute a board of immigration. The governor shall be president of the board, and upon his call they shall assemble for the transaction of business.

SEC. 4. As soon as may be after the passage of this act, the board of immigration as constituted by the foregoing section, shall cause to be prepared, by such agency and upon such plan as they may deem best, a summary in accordance with the suggestions of this preamble and first section of this act; and for such summary, when approved and adopted by them, a sum not exceeding one thousand dollars shall be paid.

SEC. 5. When the board of immigration shall have secured and adopted a summary as required in this act, they shall cause an edition of the same to be printed in pamphlet form, under the supervision of the superintendent of public printing, with such maps attached as may best serve to explain the geographical and commercial relations of the State, and mark her lines of internal and external communications. Said first edition shall be published at a cost not exceeding two thousand dollars, and, when published, shall be delivered to the secretary of the Commonwealth, who shall deposit the same in his office, make announcement of the fact of publication, place of deposit, and terms of sale through the public press, and furnish copies to any person or association who may desire them for distribution at rates equivalent to the cost of publication. From time to time, as demand may justify and require, the board of immigration shall cause other editions to be published, and may enlarge or diminish the contents, or otherwise modify the matter and style of the publication, as to them shall seem best: *Provided, however*, That at no time shall any publication be authorized which shall exceed in cost the actual amount to the credit of the immigration fund in the hands of the treasurer of the Commonwealth.

SEC. 6. All sums of money authorized to be expended by the provisions of this act shall be paid out of the immigration fund, hereinbefore created, by warrant of the auditor of public accounts, upon the order of the board of immigration; and all proceeds of sales collected by the secretary of the Commonwealth shall be deposited by him in the treasury to the credit of said immigration fund.

SEC. 7. The secretary of the Commonwealth shall be secretary to the board of immigration, and shall keep a record of their proceed-

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ings. He shall likewise keep a separate account of his transactions as authorized and required in the foregoing sections of this act, and make report annually to the general assembly.

SEC. 8. All publication made by authority of this act shall be authenticated by the governor, under the seal of the State, and issue as by authority and direction of the Commonwealth of Virginia.

SEC. 9. This act shall be in force from its passage.

Approved, March 29, 1873.

ACT OF 1874.

[Virginia Acts, 1874, ch. 294, p. 418.]

AN ACT To amend and reenact section 5 of an act for the encouragement of immigration, approved March 29, 1873.

Be it enacted by the general assembly of Virginia:

SECTION 1. That section 5 of an act approved March 29, 1873, entitled "An act for the encouragement of immigration," be amended and reenacted so as to read as follows:

SEC. 5. When the board of immigration shall have secured and adopted a summary, as required in this act, they shall cause an edition of the same to be printed, under the supervision of the superintendent of public printing, with such maps attached as may best serve to explain the geographical and commercial relations of the State, and mark her lines of internal and external communication. Said first edition shall be published at a cost not exceeding the fund at the disposal of the board, and, when published, shall be delivered to the secretary of the Commonwealth, who shall deposit the same in his office, make announcement of the fact of publication, place of deposit, and terms of sale, through the public press, and furnish copies to any person or association desiring them, at such a price per copy as may be fixed by the board, not less than the cost of the publication.

From time to time, as the demand may justify and require, the board of immigration shall cause other editions to be published, and may enlarge or diminish the contents, or otherwise modify the matter and style of the publication, as to them shall seem best: *Provided, however*, That at no time shall any publication be authorized, which shall exceed in cost the actual amount to the credit of the immigration fund, in the hands of the treasurer of the Commonwealth: *Provided further*, That no publication shall be sold for less than the actual cost of publication.

SEC. 2. This act shall be in force from its passage.

Approved, April 29, 1874.

ACTS OF 1875.

I.

[Laws of Virginia, 1874–75, ch. 139, p. 116.]

AN ACT For the encouragement of land purchasers and actual settlers in Virginia, and to repeal an act approved March 29, 1873, entitled "An act for the encouragement of immigration."

Whereas it is manifest that in order to the restoration and improvement of our agriculture, the development of our numerous mineral resources, the introduction and support of manufacturing industry, and the fixed and permanent establishment of a population corresponding with the capacity of our vast and sparsely populated terri-

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tory, it is eminently expedient for us at this time to invite the population of other States, both American and European, to fix their homes and invest their capital amongst us; and

Whereas, also, it is necessary in order to this end, that the inhabitants of distant countries should be particularly advised and informed of our form of government, and of the numerous advantages of our climate, soil, and productions which are here offered to foreigners seeking settlement in other countries; and

Whereas many active and efficient agencies already exist within and without the State, capable and desirous of giving a wide distribution to such authentic publications as the State may make of her great resources, and her unrivalled inducements to settlers from foreign states and States of the Union; now, therefore, the more effectually to diffuse the information aforesaid for the purposes aforesaid, and for the objects of this act.

Be it enacted by the general assembly:

SECTION 1. That for the purposes of this act the governor of Virginia, speaker of the house, secretary of the commonwealth, auditor of public accounts, and treasurer are hereby constituted a permanent state board. The governor shall be president of the board, and upon his call they shall assemble for the transaction of business at the capitol, at least once in every month, a majority to constitute a quorum; and they are hereby invested with the powers and charged with the duties herein prescribed.

SEC. 2. The board may from time to time, as they deem expedient and necessary to carry out the purposes of this act, cause to be printed in pamphlet form or otherwise, under the supervision of the superintendent of public printing, such information as they deem judicious and necessary, with such maps attached as may best serve to explain the geographical and commercial relations of this State, and mark her lines of internal and external communications, for gratuitous distribution.

SEC. 3. When the board shall have secured a summary as authorized by the act passed March 29, 1873, they may cause an edition of the same to be printed in pamphlet form, under the supervision of the superintendent of public printing, in whole or in part, with such modifications as they deem best for the purposes of this act; and from time to time, as the demand may justify and require, may cause other editions to be published, and may enlarge or diminish the contents, or otherwise modify the matter and style of publication as to them shall seem best: *Provided, however*, That at no time shall any actual publication be authorized which shall exceed in cost the actual amount to the credit of the fund in the hands of the treasurer of the commonwealth appropriated for the purposes of this act; and the said publications provided for in this section, and such other publications as the board may publish, collated from the said summary or from the reports numbered 1 and 2 of Commodore Maury, the Physical Survey of Virginia, or from the Geographical Survey of Virginia, by Professor William B. Rogers, shall be delivered to the secretary of the board, who shall deposit the same in his office, make an announcement of the fact of publication, place of deposit, and terms of sale, through the public press, and furnish copies to any person or association who may desire them for distribution, at rates equivalent to the cost of publication.

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SEC. 4. All sums of money authorized to be expended by the provisions of this act shall be paid out of the fund hereinafter created, by warrant of the auditor of public accounts upon the order of the board, and all proceeds of sales collected by the secretary of the board shall be deposited by him in the treasury to the credit of said fund.

SEC. 5. The register of the land office shall be secretary to the board, and shall keep a record of their proceedings. He shall likewise keep a separate account of his transactions as authorized and required in the foregoing sections of this act, and make report annually to the general assembly.

SEC. 6. All publications made by authority of this act shall be authenticated by the governor, under the seal of the State, and issue as by authority and direction of the Commonwealth of Virginia.

SEC. 7. The board may appoint agents in this and foreign countries, fix their compensation, and prescribe their duties, and make arrangements for the transportation, reception, care, proper treatment, and protection of settlers and for facilitating them to their respective destinations.

SEC. 8. The said board may contract with the owners of real estate or with licensed land agents, who have or may hereafter contract for the sale of lands belonging to others, and any land association for the sale of all lands that may be entrusted to them for that purpose; and to this end they shall keep a registry in its office of all such real estate and other property thus entrusted to them for sale, with a full and accurate description thereof. And the said board shall have authority to adopt and prescribe all such rules and regulations as may be deemed necessary to facilitate the object of such board, and may require, for the purpose of defraying the expenses of said board, the payment to it of a fixed or graduated percentage upon all sales effected through its instrumentality, care being taken that such arrangements shall be just and fair to all parties concerned and to all sections of the State.

SEC. 9. For the carrying out of the purposes of this act there is hereby appropriated and set apart, in addition to any funds in the hands of the board of immigration, to the credit of said board, and payable upon its requisitions from time to time as the same may be needed, the sum of ten thousand dollars, payable upon the warrants of the auditor of public accounts, upon the treasurer of the State, out of any money in the treasury not otherwise appropriated; and the said board shall not have the power to make its expenditures, on any account whatever, to exceed the said appropriation. The treasurer of the Commonwealth shall be the treasurer of the board. The board may fix the compensation and prescribe the duties of its secretary, and he shall give such bond as the board may require.

SEC. 10. It shall not be lawful for any officer or employee, in any manner connected with this board herein provided for, to speculate in any lands, or receive any commission or compensation, directly or indirectly, other than that allowed under the provisions of this act.

SEC. 11. The board shall report to the general assembly annually the number of immigrants settled in the State, from what country they have emigrated and where settled, and the salaries paid its officers.

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SEC. 12. The act of the 29th of March, 1873, so far as it creates a board of immigration, and as to all of its provisions inconsistent with this act, is hereby repealed.

SEC. 13. This act shall be in force from its passage.

Approved, March 2, 1875.

II.

[Laws of Virginia, 1874–75, ch. 287, p. 375.]

AN ACT To promote the formation of immigration societies throughout the Commonwealth.

Be it enacted by the general assembly of Virginia:

SECTION 1. That upon the petition of any seven residents in any township or magisterial district in any county of the State, it shall be lawful for any circuit judge to grant a charter, authorizing the said petitioners, and such other persons as they may thereafter associate with them, to be constituted a body politic and corporate by such name and style as an immigration society as may be chosen; and they shall be invested with all the rights and privileges hereinafter set forth, and shall be subject to all the rules, regulations, and restrictions imposed by the Code of Virginia, applicable to such associations and not inconsistent with the provisions of this act.

SEC. 2. Each society thus chartered shall be composed of, in addition to the original incorporators, such persons as may be elected members by a three-fourths vote of the directors present at any meeting properly convened.

SEC. 3. The membership of each society shall consist of life members paying a commuted subscription, and annual members paying a yearly subscription, the amounts thereof to be fixed by the directors. An entrance fee, payable on the admission of members, may be charged if the directors so determine. Members shall not be liable for more than the amount of their subscriptions.

SEC. 4. The officers of each society shall be a president, two vice-presidents, secretary, corresponding secretary, and treasurer, who shall have charge of all the business of the society, subject to the action of the board of directors, and under such by-laws as may be adopted by the society, not inconsistent with this act or other laws of Virginia.

SEC. 5. Each society shall elect at its first meeting, and annually thereafter, all its officers, who may be also directors, and a board of not less than five nor more than twenty directors, any five of whom shall constitute a quorum, and who shall have general supervision and control of its affairs, both officers and directors to serve for one year from date of election.

SEC. 6. It shall be the business of each society to bring together buyers and sellers of land, and to furnish correct information to both classes.

SEC. 7. Each society shall have the privilege of selling lands on commission: *Provided*, That nothing in this act shall be so construed as to exempt said society from the payment of the tax imposed by law on other land agents; and for that purpose, of receiving, entertaining, and conducting persons desiring to purchase lands, and issu-

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ing circulars, and otherwise advertising lands entrusted to them for sale; and of buying, owning, and improving such real estate only as may be necessary for building and other purposes of the society.

SEC. 8. Regular meetings of each society shall assemble annually on a call signed by the president and secretary, and irregular meetings may be called at any time, in the same manner, when deemed necessary.

SEC. 9. All moneys coming to each society, less amount of outlay for necessary expenses, whether from commission on sales of land or from subscriptions, shall be held by the treasurer and kept account of as earnings, subject to dividend or investment on a two-thirds vote of the members present at any regular meeting of the society.

SEC. 10. No officers or directors shall be elected nor any dividend declared or investment ordered except at a regular meeting of the society.

SEC. 11. Certain members of each society, who shall report themselves as prepared to do so, shall be authorized to receive, entertain, and conduct persons desiring to buy lands, and to sell lands in the name of the society, and shall be paid such remuneration, by commission or otherwise, as the directors may think fit.

SEC. 12. This act shall be in force from its passage.

Approved, March 29, 1875.

RESOLUTION OF 1877.

[Laws of Virginia, 1876–77, ch. 323, p. 328.]

JOINT RESOLUTION Authorizing the board of immigration to distribute the Geographical and Political Summary of Virginia, published by said board.

Resolved (*the house of delegates concurring*), That the board of immigration be, and they are hereby, authorized to distribute the work published by them, known as the Geographical and Political Summary of Virginia, by sale or gratuitously, as in their judgment may be for the best interest of the Commonwealth; and that ten copies of the same shall be furnished each member of the general assembly for distribution.

Approved, April 4, 1877.

ACT OF 1879.

[Laws of Virginia, 1878–79, ch. 71, p. 342.]

AN ACT To provide for the creation of a commissioner and bureau of immigration.

Whereas, in order to secure practical results and substantial benefits from the efforts and expenditures that have been made by the State and that are now being made by individuals and corporations therein to encourage and promote immigration to and investment of capital in the State, it is deemed important and necessary to create and put into operation some permanent organization under the sanction and authority of the State for the continuance and prosecution of this work, such organization having for its special object the collection, record, and dissemination of such full and accurate informa-

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tion of a general and specific character as shall be useful to those seeking such information with a view of settlement or investment of capital in the State, and from a source impartial, authoritative, and reliable; and whereas such an organization will greatly aid in promoting the efforts that are now being made and that are likely to be made hereafter to induce immigration and promote the investment of capital within the State by various persons, associations, and corporations, who will be directly and materially benefited by such immigration and investment of capital; and as it is believed that such persons, associations, and corporations will contribute voluntarily means sufficient to render such an organization practical and efficient without expense to the State: Therefore

Be it enacted by the general assembly of Virginia:

SECTION 1. That there shall be a bureau of immigration for the State, to be constituted as hereinafter provided, under the style of the bureau of immigration of Virginia.

SEC. 2. The said bureau of immigration shall be conducted by a board of managers to be composed of the commissioner of agriculture of the State, who shall be ex officio chairman of said board, and shall be styled the commissioner of immigration for Virginia, and such additional number of managers, not exceeding twelve, as shall be agreed on by the several persons and corporations who shall contribute to the maintenance of said bureau a sum not less than one hundred dollars per annum. Such managers shall be appointed by said contributors in the manner and under such regulations as shall be prescribed for the time by the said commissioner of immigration.

SEC. 3. The said board of managers when appointed and organized shall have authority to make such permanent rules and regulations for perfecting the organization and conducting the work of the bureau as they shall deem necessary and useful. They may appoint such agents as shall be required to conduct the work of the bureau, and prescribe their compensation.

SEC. 4. It shall be the business and duty of said bureau to obtain full and accurate information of a general and specific character as may be wanted by or useful to any and all persons who may be desirous of or induced to settle, or make investment of capital within the State; to collect and make record of all such information as shall be deemed of sufficient importance, and shall keep the same on file at a general office, to be located at Richmond. It shall also cause to be collected from time to time, for publication and distribution, such facts and statistics respecting the advantages and resources of the State, its soil, climate, mineral wealth and production, and special advantages for manufacturing industries as may be deemed important or useful in promoting the objects contemplated; to make, as far as practicable, arrangements with the railroads and steamship companies for transportation at reduced rates of persons and property of those desirous of settling in Virginia, or who may wish to visit the State with a view of settlement or investment of capital; and generally to devise, organize, and carry out such plans and measures as, in the judgment of said board of managers, will tend to secure an increase of population in the State through immigration, and the judicious investment of capital in all the various industries of the State. The said board shall have authority to employ such

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clerical and other force, and incur such other costs and expenses as may be found necessary to conduct and properly carry out the work and objects as hereinabove declared; and for this purpose may make and fulfill all such lawful contracts as shall be deemed necessary thereto. The said board of managers shall, when required by the general assembly, make, through its chairman, the commissioner of immigration, such reports and statistical statements of the operations and results of said bureau as, in the judgment of the general assembly, may be useful and shall be required.

SEC. 5. This act shall be in force from its passage.

Approved, April 2, 1879.

ACT OF 1888.

[Laws of Virginia, 1887–88, ch. 258, p. 242.]

AN ACT To repeal an act entitled "An act for the encouragement of land purchasers and actual settlers in Virginia," and to repeal an act approved March 29, 1873, entitled "An act for the encouragement of immigration" and to dispose of the books and pamphlets in the possession of the board of immigration.

Whereas it appears that from appropriations heretofore made there remains in the hands of the board of immigration the sum of five thousand five hundred and ninety-seven dollars and sixty-three cents, and it is deemed expedient in the present condition of the Commonwealth to abolish the said board and to restore to the treasury of the Commonwealth the said sum of five thousand five hundred and ninety-seven dollars and sixty-three cents: Therefore

Be it enacted by the general assembly of Virginia:

SECTION 1. That the board of immigration is hereby directed, from its own treasury, to pay into the treasury of the Commonwealth the sum of five thousand five hundred and ninety-seven dollars and sixty-three cents, that being the sum remaining unexpended from appropriations heretofore made to said board; and the register of the land office, who is secretary of said board, shall turn over to the secretary of the commonwealth, as general librarian, all the copies of the Geographical and Political Summary of the State, and other books or pamphlets remaining undisposed of, together with all the plates and forms used in the publication of said summary and other books and pamphlets directed to be published under the control of the said board.

SEC. 2. The secretary of the commonwealth is directed to take charge of and preserve such books, pamphlets, plates, and forms, but he is authorized, for the purpose of distribution, to make sale of any such books or pamphlets, at rates equivalent to the costs of publication and a percentage of five per centum, and after deducting said percentage as commission, shall deposit the proceeds of sales collected into the treasury of the Commonwealth.

SEC. 3. An act entitled "An act for the encouragement of land purchasers and actual settlers in Virginia," and to repeal an act approved March 29, 1873, entitled "An act for the encouragement of immigration," be and the same is hereby repealed.

SEC. 4. This act shall be in force from its passage.

Approved, March 14, 1888.

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ACT OF 1894.

[Laws of Virginia, 1893–94, ch. 620, p. 723.]

AN ACT To encourage immigration into the Commonwealth of Virginia and to promote sales of lands within the Commonwealth to immigrants.

Be it enacted by the general assembly of Virginia:

SECTION 1. That it shall be lawful for ten or more persons owning land in any county of the State to make, sign, seal, acknowledge, and put to record in the clerk's office of the court of such county a paper writing in form or to the effect as follows:

We, the undersigned, owners of land in the county of ———, in the State of Virginia, do hereby form an immigration society to be known as and bear the name of the immigration society of ——— County, Virginia. The object for which said society is formed is to advertise for sale and to sell or lease the lands of the members of said society, in such manner and upon such terms as may be provided by the constitution and by-laws of the society adopted by the members thereof; the officers of said society, to manage its affairs for the first year and until their successors are elected and qualified, will be a president, a secretary, a treasurer, and a board of directors, which board shall consist of not less than five persons nor more than nine, as the said society at the time of its organization shall determine. The principal office of said society will be at ———, in said county.

SEC. 2. When such writing shall have been so signed, sealed, acknowledged, and recorded in the county court clerk's office, and a duly certified copy thereof lodged in the office of the secretary of the Commonwealth for recordation, and another such copy deposited with the commissioner of agriculture at Richmond, the person who signed, sealed, and acknowledged it, and all others who may thereafter be associated with them, shall be a body corporate and politic under the name set forth in said writing, and as such may have a common seal, may contract and be contracted with, may sue and be sued, and may be appointed an agent or an attorney in fact to sell or lease or exchange lands situate in said county or in any other county adjoining that wherein is the principal office of such society: *Provided, however*, That there shall not be organized under this act in any county more than one immigration society for every one hundred thousand acres of land situate in such county.

SEC. 3. Each society organized under this act shall be exempt from the payment of the tax upon said writing for its recordation in the office of the clerk of the county and in the office of the secretary of the Commonwealth, and shall not be assessed with a license tax as a land agent either by the State, the county, or the town in which its principal office may be located, and shall be exempt from the payment of taxes to the State upon powers of attorney or contracts of agency for the sale of lands recorded in any county wherein it is authorized by this act to do business.

SEC. 4. Every such society shall, within six months after its organization and in each six months thereafter, file in the office of the commissioner of agriculture a list of lands in its hands for sale, showing, as near as practicable, their location relative to railroad or water transportation, and the price and terms upon which the same will be sold, and also a list of all sales made by it within the six months then last past, which list shall be attested by the president and secretary of the society under its seal. For failing to file such

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lists, or either of them, for thirty days after they have been called for by the commissioner of agriculture, the society so failing shall be subject to a fine of twenty dollars, recoverable by the commissioner of agriculture by motion, after ten days' notice, in the court of the county wherein the principal office of such society is.

SEC. 5. The commissioner of agriculture shall provide and furnish to societies organized under this act forms for the reports required to be made by them under the fourth section, and he shall, with his annual report to the governor of the Commonwealth, furnish a list of immigration societies doing business under this act, showing their presidents and secretaries, their places of business, the quantity of land in their hands for sale, and the quantity sold by them since his last report.

SEC. 6. This act shall be in force from its passage.

Approved, March 5, 1894.

ACT OF 1903.

[Virginia State Laws, ch. 295, p. 508.]

AN ACT Defining the powers and duties of the board of agriculture and immigration and providing for an election of a commissioner of agriculture and immigration, and for repealing all acts in conflict with this act.

Be it enacted by the general assembly of Virginia:

SECTION 1. That the department of agriculture and immigration shall be under the management and control of a board of agriculture and immigration, composed of one member from each congressional district, who shall be a practical farmer, appointed by the governor for a term of four years, and confirmed by the senate, and the president of the Virginia Polytechnic Institute, who shall be ex officio a member of the board: *Provided*, That the terms of members of the board first appointed from districts bearing uneven numbers shall be for two years, beginning March 1, 1903, said members to be selected from the two political parties, so that not more than two-thirds of the members of the board shall belong to any one of the said parties at the same time. All vacancies in the membership of the board shall be filled by the governor.

SEC. 2. The board of agriculture and immigration shall meet twice a year for the transaction of business, and at such other times as they may determine: *Provided*, That the president of the board shall have power to call a special meeting of the board at any time upon his own authority or by the request of the commissioner of agriculture or three of its members made in writing. The members while in attendance upon the sessions of the board shall be allowed their necessary travelling expenses, to be paid out of the funds of the department of agriculture and immigration.

SEC. 3. The board of agriculture and immigration shall have power to elect and remove its officers and establish elsewhere in the State subordinate branches of said department of agriculture and immigration.

SEC. 4. The board shall have power to receive and hold in trust any donations made to it for the advancement of the agricultural interests of the State, and to administer the same. It shall have full control of the finances of the department of agriculture and im-

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migration. The board of agriculture and immigration shall be charged with all matters tending to promote the agricultural interests of the State and the introduction of capital and immigrants into the State.

SEC. 5. And the board shall prescribe the powers and duties of the commissioner of agriculture and for the better protection of the farming interests shall be charged with the supervision of the trade in commercial fertilizers, and with the enforcement of the laws which have been or may hereafter be enacted for regulating the sale of commercial fertilizers, seeds, and foods, and shall have authority to make such regulations as may be necessary to carry them into effect, and to publish such regulations, together with all matters relating thereto as it may deem proper; also with the collection, publication, and dissemination of such information relating to the soil, climate, healthfulness, natural resources, markets, and industries of the State as may attract capital and induce immigration.

SEC. 6. For the benefit of the agricultural community the board shall cause to be held farmers' institutes at such times and in such places throughout the State as it may deem necessary for the advancement of agricultural knowledge and the improvement of agricultural methods and practices, and publish and distribute such papers and addresses read or made at these institutes as promise to be of value to the farming interests. And to collect, preserve, and exhibit in a suitable museum specimens of the agricultural and horticultural products, minerals, flora, and fauna of the State, especially of its woods; and collect and publish information relating to its mineral resources and timber supply and their value, and recommend such legislation as may be necessary for their exploitation and preservation. The board shall annually submit to the governor a full report of its operations for the year, including a detailed financial statement of all its receipts and expenditures under its direction.

SEC. 7. The commissioner of agriculture and immigration shall be elected at the general election of state officers to be held on Tuesday after the first Monday in November, 1905, and every four years thereafter for a term of four years. He shall be voted for on the same ballot as other state officers are voted for. Any vacancy in the office of the commissioner of agriculture and immigration shall be filled by the board of agriculture and immigration, and the appointee shall hold office until the next general election to this office and the qualification of his successor.

SEC. 8. The commissioner of agriculture and immigration shall be the executive officer of the board of agriculture and immigration, and shall have the sole power to appoint such clerical force in his office as may be authorized by the board of agriculture and immigration.

SEC. 9. The president of the board of agriculture and immigration shall be ex officio a member of the board of visitors of the Virginia Polytechnic Institute.

SEC. 10. All acts or parts of acts in conflict with this act are to that extent hereby repealed.

SEC. 11. This act shall be in force from its passage.

Approved, May 20, 1903.

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ACT OF 1906.

[Laws of Virginia, 1906, ch. 204, p. 344.]

AN ACT Appropriating $10,000 to the state board of agriculture and immigration, to be expended in promoting and encouraging immigration into this State.

Be it enacted by the general assembly of Virginia:

SECTION 1. That the commissioner of agriculture and immigration is hereby directed and empowered to appoint one or more agents, subject to the approval of the state board of agriculture and immigration, whose duties it shall be to promote and encourage desirable immigration, said immigrants to be experienced in agricultural pursuits, and shall be selected from agricultural districts for farm and desirable domestic labor into this State: *Provided, however*, That no pauper or criminal, or any other person who can not furnish a certificate from reliable authority in the community in which they last lived that they are persons of good moral character, be permitted to be sent into this State under this act; such agent or agents shall be agriculture and immigration upon warrants drawn by the state board of agriculture and immigration.

SEC. 2. The commissioner of agriculture and immigration shall supply such agent or agents, for distribution, with printed and illustrated literature, showing the agricultural and other resources and advantages of this State. He may also advertise such resources in such States and countries and through such mediums as the state board of agriculture and immigration may deem wise and expedient. He shall keep filed in his office all applications for labor from citizens of this State who desire such immigrants or labor, and use every effort to direct to such applicants the immigrants or labor best suited for the work desired.

SEC. 3. For the purpose of carrying out this act, the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of funds not otherwise appropriated, and the auditor is hereby directed to pay such money to the commissioner of agriculture and immigration upon warrants drawn by the state board of agriculture and immigration and signed by the chairman of said board.

SEC. 4. The state board of agriculture and immigration shall prescribe and fix the salary to be paid said agents, and shall make all proper allowances for necessary traveling expenses of said agents, and shall prescribe the duties of said agents, and said agents shall quarterly make sworn statements to the board of their expenses.

SEC. 5. The commissioner of agriculture and immigration shall make a report quarterly to the state board of agriculture and immigration, and annually make a detailed report to the governor showing the receipts and disbursements, results obtained, or expected to be obtained, or any other information or suggestions upon securing immigrants for this State.

Approved, March 14, 1906.

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ACT OF 1908.

[Virginia State Laws, ch. 80, p. 99.]

AN ACT To amend and reenact an act approved May 20, 1903, as heretofore amended, entitled "An act defining the duties and powers of the board of agriculture and immigration," so as to prescribe the powers and duties of said board and said commissioner, and to repeal an act approved February 29, 1888, entitled "An act to further define the duties and enlarge the powers of the commissioner of agriculture," and an act approved March 5, 1888, entitled "An act to provide a commissioner of agriculture of Virginia and making an appropriation therefor," and to repeal sections 1785, 1786, 1787, 1788, 1789, and 1790 of the Code of Virginia.

Be it enacted by the general assembly of Virginia:

SECTION 1. That an act approved May 20, 1903, as heretofore amended, entitled "An act defining the powers and duties of the board of agriculture and immigration," and providing for the election of a commissioner of agriculture and immigration, be amended and reenacted so as to read as follows:

SEC. 2. The department of agriculture and immigration shall be under the management and control of a board of agriculture composed of one member from each congressional district, who shall be a practical farmer, appointed by the governor for a term of four years, and confirmed by the senate, but not more than two-thirds of the members thereof shall belong to one political party at the same time; and the president of the Virginia College of Agriculture and Polytechnic Institute, who shall be ex officio a member of the board: *Provided*, That nothing herein contained shall be held to vacate the office of any of the present members of said board. All vacancies in the membership of the board shall be filled by the governor for the unexpired term.

SEC. 3. The said board shall meet three times a year for the transaction of business: *Provided*, That special meetings thereof may be had at any time upon the call of the president of the board, the request of the commissioner of agriculture, or a majority of the members of the board made in writing.

SEC. 4. The officers of the board shall consist of a president and a secretary, who shall be elected by the board, and shall hold office during its pleasure.

The secretary of the board shall perform such duties as are usually incident to such an office, and shall be entitled to receive such compensation as the board may prescribe, not exceeding one hundred dollars per annum.

SEC. 5. The said board shall be charged with all matters tending to promotion of the agricultural matters of the State. It shall have power to receive and hold in trust any donation made to it for the advancement of the agricultural interests of the State and to administer the same.

The said board shall have power to purchase or lease land not to exceed one hundred acres, in any congressional district, for experimental purposes in agriculture, and it shall regulate and prescribe the salaries of such officers and employees of this department who shall be employed in such experimental work. All such employees shall have had practical farm experience.

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The said board shall appoint an auditing committee to consist of three members, which shall be charged with the duty of auditing the accounts of the department, and shall report thereon to the board at a regular meeting of said board.

The board shall have control of all the funds of the department and none of said funds shall be paid out except upon appropriations made at a regular meeting of the board.

SEC. 6. The members of the board shall receive no compensation, but shall be paid their necessary expenses incurred in the performance of their duties.

SEC. 7. There shall be a commissioner of agriculture and immigration, whose term of office shall be four years, and who shall be elected by the qualified voters of the State, and shall be vested with such powers and duties as are herein set out, and such other powers and duties as may be prescribed by law.

SEC. 8. He may be elected at the general election of the state officers, to be held on the Tuesday after the first Monday in November, 1909, and every four years thereafter. He shall be voted for on the same ballot as the other state officers are voted for, and any vacancy in the office of the commissioner of agriculture and immigration shall be filled by appointment by the governor, such appointee to hold office until the next general election for this office and the qualification of a successor.

SEC. 9. The salary of the said commissioner shall be two thousand eight hundred dollars per annum, and he shall give bond with good security, to be approved by the attorney-general, in the penalty of thirty thousand dollars, conditioned for the faithful performance of the duties of his office as they are, or may be from time to time, prescribed by law.

* * * * * * *

SEC. 11. The commissioner of agriculture shall see to the proper execution of the laws relating to the subject of his department, and he shall investigate and promote such subjects relating to the improvement of agriculture, the beneficial use of commercial fertilizer and compost, and for the inducement of immigration and capital, and he shall be especially charged with the supervision of the trade in commercial fertilizers as will best protect the interests of the farmers with the enforcement of the laws which are or may be enacted in this State concerning the sale of commercial fertilizers, seed, and food products, with authority to make regulations governing the same, subject to the approval of the board, and publish them in bulletins.

He shall be charged with the inducement of capital and immigration by the dissemination of information relative to the advantages of soil, climate, healthfulness, and markets of this State and to resources and industrial opportunities offered in the State, and he shall prepare a handbook giving the resources of the several counties of the State, including the varieties of soil and products and such other information as he may deem useful, and also with investigation adapted to promote the improvement of the milch and beef cattle and other stock. He shall investigate and report upon the conditions of timber in this State and recommend such legislation as will promote its growth and protection. He shall report on the extent and

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kinds of minerals in the State, and as far as possible ascertain their value.

SEC. 12. He shall have charge of the museum of the department of agriculture and immigration, and cause to be collected, preserved, and exhibited therein specimens of the agricultural and horticultural products, minerals, flora, and fauna of this State and its woods, and shall have such other powers and duties as are prescribed by law.

SEC. 13. He shall hold or cause to be held for the benefit of the agricultural community farmers' institutes from time to time in each congressional district, the said institutes to be conducted under the joint direction of himself and the member of the board of agriculture and immigration from the district in which the same shall be held, and he shall publish and distribute such papers, read or made at these institutes, as in his judgment or in the judgment of the board of agriculture and immigration, may be of value to the farmers' interests of the State. The expense of said institute and such publications shall be paid out of the funds of the department as other expenditures are made.

SEC. 14. The commissioner shall annually submit to the board a full report covering the operations of the department for the year, including a detailed financial statement of all its receipts and expenditures made under its direction and giving such other information on practical agricultural subjects as shall be helpful to the farmers of the State, said report to be embraced in the annual report of the board to the governor, which report shall be designated and printed as "the annual report of the commissioner and of the board of agriculture and immigration."

SEC. 15. *Be it further enacted*, That an act approved February 29, 1888, entitled "An act to further define the powers and enlarge the duties of the commissioner of agriculture," and an act approved March 5, 1888, entitled "An act to provide for a commissioner of agriculture of Virginia and making an appropriation therefor," and also sections 1785, 1786, 1787, 1788, 1789, and 1790 of the Code of Virginia be, and the same are hereby, repealed.

Approved, February 25, 1908.

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WASHINGTON.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1875 (an act to create a board of immigration commissioners and for other purposes).—The legislative assembly of the Territory of Washington enacted a law in 1875 creating a board of immigration consisting of three commissioners, who should serve without compensation. It provided for the publication of a pamphlet setting forth the resources of Washington for "gratuitous and judicious distribution." An appropriation of $150 for incidental expenses was made.

Act of 1877 (an act to provide for the appointment of immigration agents).—An act of 1877 authorized the commissioners to appoint immigration agents for service, without compensation, at any desirable points in the United States.

Law of 1881 (an act to abolish the board of immigration commissioners).—The assembly in session in 1881 repealed the law of 1875 creating a board of immigration commissioners.

Law of 1895 (an act creating a bureau of statistics, labor, agriculture, and immigration).—In 1895 the secretary of state of Washington was made ex officio commissioner of statistics "relating to all departments of labor in the State such as hours and wages of labor, cost of living, amount of labor required, estimated number of persons depending on daily labor for support, the probable chances of all being employed, the operation of labor-saving machinery in relation to hand labor, etc." "Such statistics shall be classified under agriculture, immigration, industries, mining, skilled and unskilled labor, cash capital invested, means of production, condition of employed and unemployed, sanitary conditions, standard and cost of living, facts about non-Caucasian elements, effect of convict labor on labor conditions, and other auxiliary information."

It shall be the duty of state and county officers to facilitate the work of the commissioner in every practicable way.

It shall be the duty of the commissioner to prepare for publication a comprehensive report of the natural and artificial resources of Washington, and to transmit copies of such report to intending immigrants upon request.

The commissioner shall have power to send for persons and papers, to examine witnesses under oath, to enter all places and works of labor, and to require persons in authority in business institutions to furnish him any statistics or information pertaining to his lawful duties. Names of persons, firms, or corporations supplying information shall not be disclosed, and any information pertaining to a person's affairs shall be deemed confidential.

A deputy commissioner shall be appointed at an annual salary of $1,200, and an immigration agent shall be employed to represent the bureau in "such city as the commissioner may designate."

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IMMIGRATION AND ALIEN LAWS.

ACT OF 1875.

[Laws of Washington, 1875, p. 104.]

AN ACT To create a board of immigration commissioners, and providing for the printing and distribution of certain pamphlets.

Be it enacted by the legislative assembly of the Territory of Washington:

SECTION 1. That the governor is hereby authorized to appoint, by and with the consent of the council, a board, consisting of three commissioners of immigration for the Territory of Washington: *Provided*, That the said commissioners shall receive no compensation from the Territory, and the Territory shall not be responsible for any debt or liability created by them.

SEC. 2. That John M. Murphy is hereby employed to print five thousand copies of the pamphlet of the Washington Immigration Society, by Mrs. A. H. H. Stewart, secretary of the society, setting for the resources of the Territory of Washington, for gratuitous and judicious distribution as hereinafter provided.

SEC. 3. On the delivery to the board of immigration of said five thousand copies of said pamphlets, on the written certificate of said commissioners, the territorial auditor shall draw his warrant on the territorial treasurer for the sum of five hundred and fifty-seven dollars, and the said treasurer shall pay the same out of any money not otherwise appropriated.

SEC. 4. The sum of one hundred and fifty dollars ($150) per annum is hereby appropriated, out of any funds not otherwise appropriated, to pay office rent, postage, and other incidental expenses of said board of immigration commissioners, and the territorial auditor is hereby authorized to draw his warrant for said sum on the written order of said commissioners.

SEC. 5. Fifteen hundred copies of said pamphlet shall be sent to the Walla Walla Immigration Society for distribution; five hundred copies to the Clark County board of immigration. The commissioners of immigration shall furnish fifty copies to each county auditor for gratuitous distribution, and the remainder shall be distributed by said commissioners.

SEC. 6. This act to take effect and be in force from and after its passage.

Approved, November 12, 1875.

ACT OF 1877.

[Laws of Washington, 1877, p. 301.]

AN ACT To provide for the appointment of immigration agents.

Be it enacted by the legislative assembly of the Territory of Washington:

SECTION 1. That the commissioners of immigration for the Territory of Washington may appoint immigration agents in the several counties of this Territory, and in any State or Territory, who shall

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act as such agents during the pleasure of such commissioners: *Provided*, That such agents shall receive no compensation directly or indirectly from the Territory.

SEC. 2. This act shall take effect from and after its approval by the governor.

Approved, November 9, 1877.

ACT OF 1881.

[Laws of Washington, 1881, p. 16.]

AN ACT To repeal an act entitled "An act to create a board of immigration commissioners and provide for the printing and distribution of certain pamphlets," approved November 12, 1875.

Be it enacted by the legislative assembly of the Territory of Washington:

SECTION 1. That an act of the legislative assembly of the Territory of Washington, entitled "An act to create a board of immigration commissioners and provide for the printing and distribution of certain pamphlets," approved November 12, 1875, and all acts amendatory thereto, be, and the same are hereby, repealed.

SEC. 2. This act to take effect from and after its passage and approval by the governor.

Approved, October 20, 1881.

ACT OF 1895.

[Laws of Washington, 1895, ch. 85, H. B. No. 184, p. 167.]

AN ACT To establish a bureau of statistics, labor, agriculture, and immigration, and making an appropriation therefor.

Be it enacted by the legislature of the State of Washington:

SECTION 1. The secretary of this State shall be ex officio commissioner of statistics, and is hereby authorized and directed to establish within his office, and under his immediate supervision, a bureau to be known as the bureau of statistics, agriculture, and immigration.

SEC. 2. The duties of the commissioner shall be to collect, assort, systemize, and present in biennial reports to the legislature statistical details relating to all departments of labor within the State, such as the hours and wages of labor, cost of living, amount of labor required, estimated number of persons depending on daily labor for their support, the probable chances of all being employed, the operation of labor-saving machinery in relation to hand labor, etc. Said statistics shall be classified as follows:

1. Of agriculture.
2. Of immigration.
3. Of mechanical and manufacturing industries.
4. Of mining.
5. Of transportation on land and water.
6. Of clerical and all other skilled and unskilled labor not enumerated above.

* * * * * * *

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11. Of the number and condition of the non-Caucasian elements of the State; their social and sanitary habits; the number employed and nature of their employment; the average wages per day of each employment and the gross amount yearly; to what extent their employment comes in competition with the white industrial classes of the State.

* * * * * * *

SEC. 4. The commissioner of statistics is hereby directed to prepare for immediate publication, from the reports of the county assessors, chambers of commerce, boards of trade, and other authentic sources, a comprehensive report, setting forth the geography, topography, climate, natural and artificial resources of Washington, its inland waters and adjacent seas, a knowledge of which would tend to invite industrious, enterprising, intelligent people to remove hither. It shall be the duty at all times of the bureau hereby established to promptly answer all proper inquiries relative to the State of Washington received by mail or otherwise from intending immigrants.

* * * * * * *

SEC. 7. The commissioner shall appoint a deputy commissioner, who shall act in his absence, and the deputy shall receive the sum of twelve hundred dollars per annum to be paid by the state treasurer in the same manner as other state officers are paid; the sum allowed for deputy and other incidental expenses of the bureau shall not exceed the sum of three thousand dollars in any one year. The commissioner shall have the authority to employ one person to act as immigration agent, which agent shall reside in such city as said commissioner may designate, and he shall be provided with such literature and incidental accessories as in his judgment may be necessary.

SEC. 8. The sum of four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the expenses of the bureau for the first two years after its organization.

SEC. 9. An emergency is declared to exist; therefore, this act shall take effect and be in force from and after the date of its passage and approval by the governor.

Passed the house, March 14, 1895; passed the senate, March 14, 1895.

Approved, March 19, 1895.

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WEST VIRGINIA.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1871 (an act to encourage immigration into the State of West Virginia).—By an act of 1871 the board of public works of the State was empowered to appoint a commissioner of immigration. It became their joint duty to devise "a practical plan for the introduction of sober and industrious immigrants;" to publish information to show the natural resources of the State, the inducements for investment, the demand for labor, and the advantages offered as a home for the immigrant; and "to adopt, establish, and organize such plans and measures as will tend to secure or facilitate the development and settlement of the State."

Act of 1879 (an act authorizing the appointment of a state agent on immigration and appropriating money for immigration purposes).—In 1879 the governor was authorized to commission C. E. Lutz as state agent of immigration. It shall be his duty to induce immigration into the State, to furnish information about the agricultural, mining, and mechanical interests to those seeking new homes, and to use every means calculated to develop the material resources of the State. Five hundred dollars is appropriated to carry out the purposes of the act.

Joint resolution of 1893.—The legislature in 1893 memorialized Congress to restrict and later prohibit foreign immigration in order to protect society from criminals, paupers, and persons afflicted with disease or infirmity.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1871.

[Laws of West Virginia, 1871, ch. 156, p. 208.]

AN ACT To encourage immigration into the State of West Virginia.

Be it enacted by the legislature of West Virginia:

SECTION 1. That it shall be the duty of the board of public works to settle upon and carry into operation a practical plan for the introduction of sober and industrious immigrants, with their families, from other States of this Union and from Europe, into this State, to open correspondence with individuals, capitalists, emigration agencies, and steamship companies, in this country and in Europe, to cause to be published such information as will fully show the natural resources of this State, its soil, climate, and mineral wealth and productions—and, also, the inducements for investment, the demand for labor, and the advantages which West Virginia offers as a home to the immigrant; to cause correct and accurate intelligence to be fur-

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nished to the capitalists and the emigrant desirous of investing or settling in this State, to aid and assist as far as possible in the removal of emigrants to the State; to make suitable arrangements to receive immigrants from Europe upon their arrival at New York or Baltimore and transport them to their destination or place of employment; and generally to adopt, establish, and organize such plans and measures as will tend to secure or facilitate the development and settlement of this State.

SEC. 2. Said board shall appoint a fit and proper person, who shall be known as the "commissioner of immigration," whose duties and salary shall be prescribed by said board, and who shall be subject to removal by said board. The said board shall have power to appoint all necessary clerks and agents, to prescribe their duties, and fix their salaries.

SEC. 3. It shall further be the duty of said board to report annually to the legislature a full account of their acts and doings under the provisions of this act.

SEC. 4. All expenses attending the operations of said board, including the salaries of its officers and agents, shall be paid out of the state treasury, on the endorsement of said board, not to exceed the amount appropriated for the purpose.

Passed February 28, 1871.

ACT OF 1879.

[Laws of West Virginia, 1879, ch. 90, p. 170.]

AN ACT Authorizing the appointment of a state agent on immigration, and appropriating money for immigration purposes.

Be it enacted by the legislature of West Virginia:

SECTION 1. That as soon after the passage of this act as is practicable the governor is hereby authorized and directed to appoint and commission C. E. Lutz, a citizen of Randolph County, as state agent on immigration, who shall hold the position of said agent until changed by the legislature or removed by the governor for any act detrimental to the interests of the State. Said agent is required to use all proper means to induce Swiss and other immigration into this State, and to furnish all information touching the agricultural, mining, and mechanical interests to those who are seeking new homes. Said agent is further directed to avoid any partiality or misrepresentation in furnishing information relative to the various sections and interests of this State, and to use every means calculated to develop the material resources of West Virginia.

SEC. 2. That the sum of five hundred dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act, and the auditor is hereby directed, by order of the governor, to issue his warrant on the treasurer for the sum hereby appropriated.

GEORGE H. MOFFETT,
Speaker of the House of Delegates.
D. D. JOHNSON,
President of the Senate.

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OFFICE OF SECRETARY OF STATE,
March 14, 1879.

I certify that the foregoing act, having been presented to the governor for his approval and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the State, has become a law without his approval.

S. BRADY,
Secretary of State.

Passed March 10, 1879.

Note by the clerk of the house of delegates.—The foregoing act takes effect at the expiration of ninety days after its passage.

RESOLUTION OF 1893.

[Laws of West Virginia, 1893, No. 8, p. 178.]

JOINT RESOLUTION Requesting our Senators and Representatives in Congress to aid in the enactment of laws prohibiting for a time, and restricting thereafter, immigration.

Whereas this country is now being flooded with immigrants of a most undesirable character, many of whom are criminals and paupers, and many connected with criminal societies; and

Whereas under our present laws immigrants come to this country from places in Europe which are now suffering from cholera: Therefore,

Resolved by the legislature of West Virginia:

First. That we favor the enactment of such a law as will prohibit immigration for a time sufficient to protect this land from cholera and a restriction both in character and number thereafter.

Second. That we request our Senators and Representatives in Congress to aid in every possible way the enactment of such laws.

Third. That the governor of this State be requested to forward a copy of these resolutions to our Senators and Representatives in Congress.

Adopted, January 25, 1893.

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WISCONSIN.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Memorial of 1864 (a memorial to Congress for the passage of laws tending to encourage foreign immigration to the United States).—In 1864 the Wisconsin general assembly ordered a memorial to be transmitted to the United States Congress "for the passage of laws tending to encourage foreign immigration to the United States" in order to repair the loss caused to industry and agriculture by the "drain produced by our present unhappy dissensions, diverting to the army of the United States the bone and sinew of the land. There is now but one remedy, as your memorialists believe, for this great evil; and that is found in the encouragement by all proper means within the province of Congress of immigration to our shores; and that the appointment of faithful and competent agents to the different countries of Europe will be found to be the best means which could be adopted to secure a large and valuable immigration." That a law be passed exempting all such immigrants for a definite period from liability to military service.

Act of 1864 (Wisconsin Immigration Company).—In 1864 the Wisconsin Immigration Company was incorporated for the "purpose of promoting, aiding, and facilitating the immigration of laborers from foreign countries to this State, for providing employment and situations for immigrants arriving here, and for furnishing money or passage for persons desiring to immigrate to this State.

Act of 1867 (an act authorizing a board of immigration to be established).—An act was passed in 1867 (ch. 126, p. 122) creating a board of immigration composed of five members, including the governor and secretary of state ex officio, and three other members appointed by the governor. To assist the board, the governor is authorized to appoint a committee of three members from each county. Upon the county committees is imposed the duty of collecting lists of prospective immigrants and of disseminating data. They are required to act subject to the instructions of the state board, and to report results periodically. The state board must report annually to the legislature. All officers serve without compensation from the state, but $2,000 per annum is allowed for expenses.

Act of 1867 amended.—The act of 1867 was amended in 1868. The board is increased to eight members, with the same powers and functions as under the original act.

The board is empowered to offer premiums for literature which presents clearly and convincingly the State's advantages and resources. Copyrights of all such productions vest in the State. Three thousand dollars is appropriated for annual expenses.

Act of 1870 (agent in New York authorized).—By act of 1870 the governor was empowered to appoint a resident immigration agent for

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the city of New York "to aid the objects for which said board was organized," provided no compensation shall be paid for his services by the State.

Act of 1871 (an act to create the office of state commissioner of immigration).—The office of state commissioner of immigration was created by act of 1871. The office is elective for two years. The salary and expenses shall be $2,500 per annum. The commissioner is required to give bond for $5,000, conditioned on the faithful discharge of the duties of his office. In event of a vacancy in office or of the disqualification of the commissioner the governor shall appoint a successor or substitute. The commissioner shall publish, annually, pamphlets in five specified languages, setting forth the advantages and resources of the State. He shall also secure all possible free publicity in the press of foreign nations. He shall have power to appoint county committees of three members to assist in collecting and disseminating data. Such committees shall be furnished data for distribution, act under instructions, and make periodical reports. They may distribute data advertising their own county.

The commissioner may appoint immigration agents to reside in other States or foreign countries. They shall receive no compensation. Reduced rates of transportation shall be secured for immigrants when possible. It shall be the duty of the commissioner to cooperate with the Federal Bureau of Immigration at Washington. Annual reports shall be submitted to the governor, with reliable data and sound recommendations upon which to base legislation. Five thousand dollars is appropriated for the annual expenses of the office.

The appropriation to sustain the office of commissioner of immigration is reduced to $2,500 per annum, and certain provisions of the original act repealed by the act of 1874 (ch. 238, p. 549). And later, by act of 1874 (ch. 238, p. 549), the office of commissioner is abolished.

Act of 1879 (an act to establish a board of immigration).—By the act of 1879 a board of immigration, consisting of five members, was created. The provisions of the act relative to powers conferred and duties assigned are substantially the same as those of the prior act of 1867 creating a board of immigration. This board shall include the governor, the secretary of state, and three members to be appointed by the governor.

Act of 1887 (board of immigration abolished).—In 1887 the board of immigration was abolished by special act.

Act of 1895 (an act to establish a board of immigration).—An act of 1895 reestablished the board of immigration, constituted in the same way and with powers practically identical with those of the former board. But the act of 1895 was amended in 1897 to provide that the governor and secretary of state should constitute the board with the power to appoint a salaried secretary. The secretary is charged with the practical administration of the work of the board, and the powers conferred are the same as those provided in former acts.

Act of 1909 (personnel of board changed).—The preceding act of 1895 was amended in 1909, changing the personnel of the board and altering its administrative powers. The secretary of state, the dean of the College of Agriculture, and the president of the state board of agriculture shall constitute a state board of immigration. A

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secretary shall be appointed and be known as the commissioner of immigration, with a salary of $1,800 a year and necessary official expenses. It shall be the duty of the state board of immigration to cause to be collected and printed, in such form as may be best calculated to attract to the State desirable immigrants seeking homes and capital seeking profitable investment, information relating to the opportunities and advantages offered by this State to the farmer, the merchant, the manufacturer, the home seeker, and the summer visitor. For the purpose of securing a more complete distribution of the above-mentioned literature the board of immigration may cause to be inserted in the newspapers, magazines, and farm papers appropriate notices, maintain permanent exhibits in populous centers, and make exhibits at public fairs, but the total expense of such notices and exhibits shall not exceed 10 per cent of the total funds available for the maintenance of the board.

Act of 1909 (railways may encourage immigration).—In 1909 section 1797 of the Statutes was amended to permit railway companies to give free transportation or reduced rates to immigration agents who are "actually engaged more than one-half of their time each year in the business of inducing immigration to settle unimproved lands in the State." The railroad commission must certify to the bona fide official character of any applicant for transportation, and any immigration agent holding such a certificate is required to report monthly to the railroad commission the number of miles traveled.

Railways shall have authority, also, to transport free for the Federal, the State, and any municipal government thereof property for exhibition at fairs and expositions.

IMMIGRATION AND ALIEN LAWS.

MEMORIAL OF 1864.

[Laws of Wisconsin, 1864, No. 14, p. 559.]

MEMORIAL For the passage of laws tending to encourage foreign immigration to the United States.

To the honorable the Senate and House of Representatives in Congress assembled:

Your memorialists respectfully call the attention of Congress to the urgent necessity now existing for the encouragement of foreign immigration to our country, in order to replace, so far as possible, the loss which has been occasioned to the various branches of industry, but more especially to the agricultural portion of our common country, embraced within the great grain-producing sections of the West, by the drain caused through our present unhappy dissensions, diverting to the Army of the United States the bone and sinew of the land.

The consequences of such withdrawal of labor are much more serious than is generally supposed. The wages of those whom the agriculturist must employ, or lose his crop, have increased more than a hundred per cent, and the consequent tax upon the net receipts of the one great branch of our national industry upon which all others are to a great extent, if not entirely, dependent, has brought down the

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profits of the farmer to a minimum beyond which he can not afford to have them reduced.

There is now but one remedy, as your memorialists believe, for this great evil, and that is to be found in the encouragement, by all proper means within the province of Congress, of immigration to our shores. It is now of vital importance to us as a people that every effort which can with propriety be made, commensurate to the desired end, should be used, and used promptly.

Your memorialists are of the opinion that the appointment of competent and faithful agents to the different countries of Europe will be found to be the best means which can be adopted to secure a large and valuable immigration, now so much needed, to our shores; and your memorialists would also respectfully recommend to Congress, in furtherance of the object proposed, that a law be passed exempting all such immigrants for a definite period, to be fixed by the act creating the agencies, from liability to military service in the armies of the United States; and your memorialists will ever pray, etc.

Resolved, That the governor be, and he is hereby, requested to forward a copy of the accompanying memorial to each of our Senators and Representatives in Congress, and to the chief clerks of the Senate and House of Representatives.

Approved, April 1, 1864.

ACT OF 1867.

[Laws of Wisconsin, 1867, ch. 126, p. 122, published Apr. 19, 1867.]

AN ACT Authorizing the establishment of a board of immigration.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There shall be a board of immigration in this State which shall be composed of five members.

SEC. 2. The governor and secretary of state shall be ex officio members of this board, and the other three members shall be appointed by the governor, but not more than one shall be appointed from the same county.

SEC. 3. The governor shall have authority to appoint in each county a committee consisting of three members to assist the board of immigration in the performance of their duties.

SEC. 4. It shall be the duty of this board to enhance and encourage immigration to this State from the older States of the Union, and from Europe.

SEC. 5. This board shall have authority to provide for the collection of statistics and useful information concerning the climate, products, population, and resources of this State, together with a statement of the best routes to this State from the large cities of Europe, and for printing the same in pamphlet form in the English, Welsh, German, and Scandinavian languages, in such numbers as may to the board seem expedient.

SEC. 6. It shall be the duty of the county committee to make out duplicate lists of the names and post-office addresses of such friends and relatives of the inhabitants of their respective localities as are

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living in the Eastern States and in Europe and to retain one list and send the other list to the secretary of the board of immigration.

SEC. 7. The secretary of the board shall forward to the county committees a sufficient amount of pamphlets to supply all the persons named in the foregoing lists, with postage sufficient to carry them to their final destination, and the county committees shall forward the pamphlets by mail to the persons named in their lists.

SEC. 8. The county committees shall act under the instruction of the board, and shall from time to time make reports to the secretary of the board.

SEC. 9. The board shall make reports to the legislature at their annual sessions.

SEC. 10. Neither the officers of the board nor the county committees named in this act shall receive any compensation for their services.

SEC. 11. There shall be annually appropriated out of the general fund not otherwise appropriated a sum not exceeding two thousand dollars, to be drawn upon the order of the governor, and to be applied exclusively to defray the expenses incurred under this act for composing and printing circulars, for advertising, for postage, and for forwarding printed matter.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved, April 10, 1867.

ACTS OF 1868.

I.

[Wisconsin Laws, 1868, General, ch. 120, p. 120, published Mar. 14, 1868.]

AN ACT To amend chapter 126, of the General Laws of 1867, entitled "An act to authorize the establishment of a board of immigration."

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 5 of chapter 126 of the General Laws of 1867, entitled "An act to authorize the establishment of a board of immigration," is hereby amended so as to read as follows:

SEC. 5. This board shall have authority to provide for the collection of statistics and useful information concerning the climate, products, population, and resources of this State, together with a statement of the best routes to this State from the large cities of Europe, and for printing the same in pamphlet form in the English, Welsh, German, French, and Scandinavian languages, in such numbers as may to the board seem proper.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, March 5, 1868.

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II.

[Wisconsin Laws, 1868, General, ch. 171, p. 195, published Mar. 14, 1868.]

AN ACT To amend chapter 126, General Laws of 1867, entitled "An act authorizing the establishment of a board of immigration."

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 126, General Laws of 1867, entitled "An act authorizing the establishment of a board of immigration," is hereby amended so as to read as follows:

There shall be a board of immigration in this State, which shall be composed of eight members.

SEC. 2. The governor and secretary of state shall be ex officio members of this board, and the other six members shall be appointed by the governor, but not more than one shall be appointed from each congressional district.

SEC. 3. The governor, with the approval of the board, shall have authority to appoint in each county a committee consisting of three members to assist the board of immigration in the performance of their duties.

SEC. 4. The governor shall have the power to remove any of the members of said committee and to appoint others in their place.

SEC. 5. It shall be the duty of the county committee to make out duplicate lists of the names and post-office of such friends and relatives of the inhabitants of their respective localities as are living in the Eastern States and in Europe and to retain one list and send the other list to the secretary of the board of immigration.

SEC. 6. The secretary of the board shall forward to the county committees a sufficient amount of pamphlets to supply all the persons named in the foregoing list, with postage sufficient to carry them to their final destination, and the county committee shall forward the pamphlets by mail to the persons named in their lists, or use other means to distribute said pamphlets, if deemed best.

SEC. 7. The county committees shall act under the instruction of the board and shall from time to time make reports to the secretary of the board.

SEC. 8. The board shall make reports to the legislature at their annual sessions.

SEC. 9. The state board of immigration shall adopt such rules and regulations, not inconsistent with this act, as are best calculated to diffuse correct information of the advantages of this State to immigrants and to effect the design of this act.

SEC. 10. It shall be the duty of the board of immigration, if they deem it advisable, to advertise from time to time for the composition of a pamphlet, calculated to give all useful information concerning this State, and explaining the advantages which this State offers to immigrants, offering a premium of not more than two hundred dollars for the best pamphlet and not more than one hundred dollars for the second best pamphlet, as shall be determined by the board.

SEC. 11. The copyright of the best and second best pamphlets shall vest, after such determination, in the State, and the board shall cause

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to be printed the best pamphlet and such portions of the second best pamphlet as they deem fit, in the form of one pamphlet, in the English, German, French, Welsh, and Norwegian languages, respectively, by the lowest responsible bidder.

SEC. 12. The board of immigration shall have power to disseminate information by the publication of suitable articles in newspapers and periodicals in the Eastern States, Canada, and Europe: *Provided*, With such newspapers and periodicals as will print such communications free of charge. The board may allow reasonable compensation for the composition and transmission of such communications.

SEC. 13. The county committee shall have the right, when so ordered by the board of supervisors of such county, to cause to be printed information setting forth the advantage of their county and localities therein, and to have such printed information attached to and forwarded by mail with the pamphlets sent to their county, which shall be chargeable against said county.

SEC. 14. Neither the officers of the board nor the county committees named in this act, shall receive any compensation for their services.

SEC. 15. There shall be annually appropriated out of the general fund not otherwise appropriated a sum not exceeding three thousand dollars to be drawn upon order of the governor and to be applied exclusively to pay the expenses incurred under this act for composing and printing circulars, for advertising, for postage, and for forwarding printed matter, and for other incidental and necessary expenses.

SEC. 16. Printed copies of this act, and of all rules and regulations of the board, shall be forwarded by the board to the country [county] committee.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved, March 6, 1868.

ACT OF 1870.

[Wisconsin Laws, 1870, General, ch. 50, p. 70, published Mar. 14, 1870.]

AN ACT To authorize the state board of immigration to appoint an agent in the city of New York.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor of this State, and ex officio a member of the state board of immigration, is hereby authorized to appoint an agent for said board residing in the city of New York, whenever in his judgment it may be necessary to aid the objects for which said board was organized by the laws of this State: *Provided*, No compensation shall be paid by this State for the services of such agent.

SEC. 2. This act shall take effect from and after its passage and publication.

Approved, March 11, 1870.

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ACT OF 1871.

[Wisconsin Laws, 1871, General, ch. 155, p. 240, published Apr. 1, 1871.]

AN ACT To create the office of state commissioner of immigration, to provide for the same, and define the duties thereof.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SEC. 1. Within thirty days after this act shall be in force the governor of the State is hereby authorized and required to appoint a state commissioner of immigration, who shall hold his office until the first Monday in January, A. D. 1872, and until his successor is elected and qualified. At the general election to be held on the Tuesday next succeeding the first Monday in November, A. D. 1871, and every two years thereafter, there shall be elected by the people a state commissioner of immigration, whose term of office shall commence on the first Monday in January next succeeding his election and continue for two years, and until his successor is elected and qualified. The canvass and return of the election of said commissioner shall be made in the same manner as the elections of other state officers are canvassed and returned.

SEC. 2. The compensation of said commissioner shall be, including office rent, clerk hire, stationery, light, fuel, and other office expenses, two thousand five hundred dollars per annum, to be paid out of the state treasury in the same manner as the salaries of other state officers are paid. He shall before he enters upon the duties of his office take and subscribe the oath required by the constitution, and execute a bond to the State of Wisconsin in the sum of five thousand dollars, with at least two sureties, who shall be resident free holders of this State; said bond to be approved by the governor, and, together with said oath, preserved in the executive office, and conditioned for the faithful discharge of his duties as such commissioner, and that he will deliver over to his successor in office, or to any other person authorized by law to receive the same, all books, records, papers, and other articles and effects appertaining to his said office.

SEC. 3. In case the office of said commissioner shall become vacant, or in case the commissioner shall for any cause be incapable of discharging the duties thereof, the governor shall appoint a suitable person to perform the duties of said office, and the person so appointed shall exercise all the powers and perform all the duties of such commissioner for the residue of such term of office, or until such disability be removed; and such appointee shall, before he enters upon the duties of the office, qualify in the same manner as herein required of such commissioner.

SEC. 4. The state commissioner of immigration shall have an office in the city of Milwaukee, where shall be deposited all papers, documents, and records appertaining to the business of his office, and to which place all communications upon the subject of immigration may be addressed to him.

SEC. 5. It shall be the duty of said commissioner to prepare for publication each year a pamphlet calculated to give all useful information concerning this State, showing briefly and concisely its developed and undeveloped agricultural and mineral resources; the

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quantity of land in the State belonging to the United States, and subject to preemption to entry under the homestead law, the quantity for sale belonging to the State and to railroad companies, the average price thereof; a general description of the climate, qualities of soil, productions, and productiveness thereof; timber, water power, facilities for manufactures, for navigation and commerce; railroad connections, present and prospective, and all other information, statistical or otherwise, tending to show the attractions and advantages which the State offers to immigration, and the facilities for reaching the same.

SEC. 6. The commissioner shall cause such pamphlet to be printed in such of the following languages, viz, English, French, German, Welsh, and Norwegian, and in such numbers in each language as he deems proper, and he may cause portions of such pamphlet or abridgements thereof to be printed in any of the above languages, instead of the whole pamphlet.

SEC. 7. The commissioner shall let all such printing by contract to the lowest responsible bidder, and may allow a reasonable compensation for the translation of such pamphlet into foreign languages. He may also procure and publish with such pamphlet a suitable map of the State.

SEC. 8. The commissioner is authorized to disseminate information by the publication of suitable articles in such newspapers in Canada and Europe as will publish the same free of charge. He may allow a reasonable compensation for the composition and transmission of such communications.

SEC. 9. The commissioner shall have authority to appoint in each county a committee, consisting of three members, to assist him in the performance of his duties, and may remove any of the members of such committee and appoint others in their stead.

SEC. 10. It shall be the duty of the county committee to make duplicate lists of the names and post-office address of such friends and relatives of the inhabitants of their respective localities as are living in the Eastern States and in Europe, and to retain one list and send the other list to the commissioner.

SEC. 11. The commissioner shall forward to the county committees a sufficient amount of pamphlets to supply all the persons named in the foregoing list, with postage sufficient to carry them to their final destination, and the county committee shall forward the pamphlets by mail to the persons named in their lists or use other means to distribute said pamphlets if deemed best.

SEC. 12. The county committee shall act under the instruction of the commissioner, and shall report to him such information in regard to their respective counties as he may desire to enable him to perform his duties under this act.

SEC. 13. Each county committee shall have the right, when so ordered by the board of supervisors of their county, to cause to be printed information setting forth the advantages of their county and localities therein, and to have such printed information attached to and forwarded by mail with the pamphlets sent to their county, the expense of which shall be chargeable against said county.

SEC. 14. The county committees shall be entitled to receive no compensation from the State for their services, but their expenses

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for postage shall be allowed by the commissioner and included in his account therefor.

SEC. 15. The commissioner may appoint agents of immigration for this State, to reside in the Eastern States or cities or in Europe, for the purpose of aiding and advising immigration; and such agents shall act solely under the instructions of the commissioner. But such agents shall receive no compensation for their services, and shall incur no expense chargeable thereto unless expressly authorized by the commissioner so to do in pursuance of law.

SEC. 16. The commissioner shall appoint a local agent to reside in Chicago, Illinois, who shall be employed in behalf of the State at least four months during the year, and who shall be paid a reasonable compensation, to be fixed by the commissioner, not to exceed seventy-five dollars per month for the time there actually employed. It shall be the duty of such local agent to assist and help all immigrants that may arrive in Chicago, and particularly such as may desire to locate in Wisconsin. The said agent shall from time to time receive instructions from the commissioner and faithfully carry out the same, and shall use all honorable means to induce immigrants to seek homes in favorable localities in this State. He shall make weekly reports to the commissioner, giving the number of immigrants arrived at that port during the week and as near as practicable the nativity, age, sex, occupation, and destination of such immigrants.

SEC. 17. It shall be the duty of the commissioner himself to act as such local agent of immigration in and for the city of Milwaukee, and to render such aid and assistance to all immigrants arriving at that port who may desire the same.

SEC. 18. The commissioner shall endeavor to arrange with railroad companies and other transportation companies for the transportation of immigrants at reduced fare.

SEC. 19. It shall be the duty of the commissioner to cooperate with the Bureau of Immigration at Washington, as far as he can do so with advantage to this State, and to give his time and attention to the subject of immigration; to distribute pamphlets and disseminate information wherever, in his judgment, it will be most beneficial, and to do his utmost with the means placed at his disposal to promote immigration to this State. He shall make a report to the governor, on or before the —— day of ——— in each year, of his labors, proceedings, and a detailed account of his expenditures and results thereof, accompanied by such references, suggestions, and statistics as may furnish reliable data for future legislation on the subject.

SEC. 20. There is hereby annually appropriated, out of any money in the general fund not otherwise appropriated, a sum not exceeding five thousand dollars, to pay the salary of said commissioner and defray the expenses authorized to be incurred by this act. The expenses of the commissioner under this act shall not in any year exceed the amount appropriated for such year for the payment of such expenses.

SEC. 21. All accounts for expenses authorized by this act shall be certified by the commissioner to be correct and just, and shall be audited by the secretary of state and paid out of the appropriation made by law therefor. Duplicates of all contracts made by the com-

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missioner and copies of the appointment of all local agents to whom compensation is allowed by law shall be filed with the secretary of state.

SEC. 22. As soon as the commissioner provided for by this act shall have been appointed and duly qualified the state board of immigration shall transfer to him all books, papers, pamphlets, maps, circulars, and correspondence relating to immigration; shall settle all unsettled accounts in their hands as such board, and thereupon the duties of said board shall cease, and all acts or parts of acts creating said board or relating to its duties shall cease to be of force and effect.

SEC. 23. This act shall take effect and be in force from and after its passage and publication.

Approved, March 24, 1871.

ACTS OF 1874.

I.

[Wisconsin Laws, 1874, ch. 238, p. 549.]

AN ACT To repeal chapter 155 of the General Laws of 1871, entitled "An act to create the office of state commissioner of immigration, to provide for the same, and define the duties thereof."

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The office of state commissioner of immigration is abolished on and after the first Monday of January, A. D. 1876. All books, papers, and other property in possession of the commissioner shall be deposited in the office of the secretary of state at the close of the term of the present incumbent.

SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved, March 11, 1874.

II.

[Wisconsin Laws, 1874, ch. 338, p. 756.]

AN ACT To amend section 20 and repeal sections 3, 5, 6, 7, 9, 10, 11, 12, 13, 15, and 16 of chapter 155, of the General Laws of 1871, entitled "An act to create the office of state commissioner of immigration, to provide for the same, and define the duties thereof."

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 20 of chapter 155 of the General Laws of 1871 is hereby amended so as to read as follows:

There is hereby annually appropriated out of any money in the general fund not otherwise appropriated, a sum not exceeding twenty-five hundred dollars, to pay the salary of said commissioner and defray the expenses authorized to be incurred by this act. The expenses of the commissioner under this act shall not for any year exceed the amount appropriated for such year for the payment of such expenses.

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SEC. 2. Sections 3, 5, 6, 7, 9, 10, 11, 12, 13, 15, and 16, of said chapter 155 of the General Laws of 1871 are hereby repealed.

SEC. 3. This act shall take effect and be in force and [sic] after its passage.

Approved, March 12, 1874.

ACT OF 1879.

[Laws of Wisconsin, 1879, No. 101, S, ch. 176, p. 221, published Mar. 7, 1879.]

AN ACT To establish a board of immigration.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There shall be a board of immigration in this State, which shall be composed of five members, who shall receive no compensation for their services rendered under this act, and who shall annually make report of their doings to the legislature.

SEC. 2. The governor and secretary of state shall be ex officio members of this board, and the other three members shall be appointed by the governor, but not more than one shall be appointed from the same county.

SEC. 3. The board shall have power to appoint, in such counties as it may deem expedient, a committee, consisting of three members, to assist the board of immigration in the performance of its duties, which shall act under the instruction of said board.

SEC. 4. It shall be the duty of this board to enhance and encourage immigration to this State from other States of the Union, the Dominion of Canada, and from Europe.

SEC. 5. This board shall have authority to provide for the collection of statistics and useful information concerning the climate, products, population, and agricultural, mineral, and other resources and advantages of this State, and for the printing and dissemination of the same in such languages as it may deem necessary.

SEC. 6. The board of immigration shall have power to appoint a secretary of its board, who shall be paid a reasonable compensation for his services, to be fixed by said board, and also power to appoint local agents to aid and assist all immigrants who may desire to locate in Wisconsin, and to pay said agents a reasonable compensation for the time of their actual employment.

SEC. 7. There shall be appropriated out of the general fund, not otherwise appropriated, a sum not exceeding twenty-five hundred dollars, to be drawn upon the order of the governor, and to be applied exclusively in defraying the expenses incurred by said board under this act.

SEC. 8. This act shall take effect and be in force from and after its passage and publication.

Approved, March 4, 1879.

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ACT OF 1880.

[Wisconsin Laws, 1880, No. 39, A, ch. 194, p. 229, published Mar. 16, 1880.]

AN ACT Relating to the appropriation of money to the state board of immigration, and amendatory of section 7 of chapter 176 of the laws of 1879.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven of chapter one hundred and seventy-six of the laws of 1879 is hereby amended so as to read as follows:

SEC. 7. There shall be appropriated, out of the general fund not otherwise appropriated, a sum not exceeding three thousand dollars annually, to be drawn upon the order of the governor, and to be applied exclusively in defraying the expenses incurred by said board under this act.

SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved, March 11, 1880.

ACT OF 1881.

[Laws of Wisconsin, 1881, No. 261, A, ch. 222, p. 268, published Mar. 31, 1881.]

AN ACT To appropriate to the state board of immigration a sum of money therein named.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the board of immigration of the State of Wisconsin, in addition to the amount already appropriated, the sum of two thousand dollars each for the years 1881 and 1882, out of any money in the general fund not otherwise appropriated, for the purpose of more effectually promoting the cause of immigration to this State; said money to be drawn pursuant to the provisions of chapter one hundred and seventy-six of the General Laws of the year 1879.

SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved, March 29, 1881.

ACT OF 1887.

[Laws of Wisconsin, 1887, ch. 21, p. 29.]

AN ACT To repeal chapter 176 of the laws of 1879 and to abolish the board of immigration thereby established.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 176, of the laws of this State for the year 1879, entitled "An act to establish a board of immigration," approved March 4, 1879, is hereby repealed, and the board of immigration thereby created, is hereby abolished.

SEC. 2. The governor and secretary of state are hereby authorized and instructed, as soon as possible after the passage of this act, to settle and audit all accounts of the said board, and to pay the same out of the balance in the state treasury heretofore appropriated to said board.

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SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved, March 4, 1887.

ACT OF 1895.

[Laws of Wisconsin, No. 226, A, 1895, ch. 235. p. 461, published Apr. 25, 1895.]

AN ACT To establish a board of immigration.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There shall be a board of immigration in this State which shall be composed of five members, who shall receive no compensation for their services rendered under this act, and who shall annually make report of their doings to the secretary of state, and which office shall terminate January 1, 1897.

SEC 2. The governor and secretary of state shall be ex officio members of the board, and the other members shall be appointed by the governor, but not more than two shall be appointed from the same congressional district.

SEC. 3. The board shall have power to appoint in such counties as it may deem expedient a committee consisting of three members to assist the board of immigration in the performance of its duties, which shall act under instructions of said board.

SEC. 4. It shall be the duty of this board to enhance and encourage immigration to this State.

SEC. 5. This board shall have the authority to provide for the collection of statistics and useful information concerning climate, soil, product, population, and agricultural, mineral, and other resources and advantages of this State, and for the printing and dissemination of the same in such languages as it may deem necessary.

SEC. 6. The board of immigration shall have power to appoint a secretary of its board, who shall be paid a reasonable compensation for his services, to be fixed by said board; and also power to appoint local agents to aid and assist all immigrants who may desire to locate in Wisconsin; and said local agents shall serve without pay.

SEC. 7. There shall be appropriated out of the general fund not otherwise appropriated a sum not exceeding five thousand dollars annually for the years 1895 and 1896, to be drawn upon the order of the governor and expended at his discretion and under his direction, and to be applied exclusively in defraying the expenses incurred by said board under this act.

SEC. 8. Each member of said commission shall be paid out of said fund the traveling expenses necessarily incurred and disbursed by said committee in performance of his duties, not exceeding, however, the sum of three hundred dollars annually.

SEC. 9. This act shall take effect and be in force from and after its passage and publication.

Approved, April 15, 1895.

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ACT OF 1897.

[Laws of Wisconsin, 1897, ch. 327, p. 732.]

AN ACT To amend chapter 235 of the Laws of 1895 entitled "An act to establish a board of immigration."

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor and the secretary of state are hereby constituted a board of immigration for this State, and the said board of immigration shall continue in office until April 1, 1899, and discharge the duties prescribed by this act. Said board shall receive no compensation for their services.

SEC. 2. The board of immigration, provided in the first section of this act, shall appoint a secretary, who shall receive a salary not to exceed one thousand eight hundred dollars per annum, and who shall devote his time exclusively to the promotion and encouragement of immigration to, and the settlement of, this State, under the direction of said board, and to the performance of such other duties as shall be prescribed by the board. Said secretary may be removed from office in the discretion of said board, who may appoint another person to fill the vacancy caused by such removal.

SEC. 3. The said board shall have power to appoint, in such counties as it shall deem expedient, a committee of three persons to aid the board of immigration in the performance of its duties under the provisions of this act, which committee shall act under the advice and instruction of said board and without compensation from the State.

SEC. 4. The said board of immigration shall have authority to provide for the collection of statistics and useful information relating to the population, climate, soil, products, agricultural, mineral, and other resources and advantages of this State, and for the printing, distribution, and dissemination thereof, in such form and in such languages as it may deem expedient and for the best interests of the State.

SEC. 5. There is hereby appropriated, out of the general fund in the state treasury not otherwise appropriated, the sum of four thousand dollars annually for the years of 1897 and 1898, to be drawn on the order of the governor and secretary of state, to be by them expended pursuant to and under the provisions of this act.

SEC. 6. The term of office of said board shall cease and determine on the 1st day of April, 1899, and this act shall cease to be of force and effect from and after the 1st day of April, 1899.

SEC. 7. This act shall take effect and be in force from and after its passage and publication.

Approved, April 23, 1897.

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ACTS OF 1909.

I.

[Laws of Wisconsin, 1909, ch. 109, p. 108.]

AN ACT To amend sections 1797–98 of the statutes, permitting immigration agents to obtain reduced rates on railways.

The people of the State of Wisconsin, represented in the senate and assembly, do enact as follows:

SECTION 1. Sections 1797–98 of the statutes is amended to read:

SEC. 1797–98. 1. Nothing herein shall prevent the carriage, storage, or handling of freight free or at reduced rates for the United States, the State, or any municipality thereof, or for charitable purposes, or to and from fairs and expositions for exhibition thereat, or household goods the property of railway employees, or commodities shipped by employees for their own exclusive use or consumption, or the issuance of mileage, commutation, or excursion passengers' tickets, provided the same shall be obtainable by any person applying therefor, without discrimination, or of party tickets, provided the same shall be obtainable by all persons applying therefor under like circumstances and conditions; or the sale of such tickets as were usually and customarily sold at reduced rates prior to June 15, 1905, provided the same are sold without discrimination to all persons applying therefor under like circumstances and conditions.

2. This act shall not be construed as preventing railroads from giving free transportation or reduced rates therefor to any minister of the gospel, officers or agent of incorporated colleges, inmates of soldiers' homes, regular agents of charitable societies when traveling upon the business of the society only, destitute and homeless persons, railroad officer, attorney, director, employee, or members of their families, or to former railroad employees or members of their families where such employees have become disabled in the railway service, or are unable from physical disqualification to continue in the service, or to members of families of deceased railroad employees; or to prevent the exchange of passes with officers, attorneys, or employees of other railroads and members of their families: *Provided*, That no person holding any public office or position under the laws of this State shall be given free transportation or reduced rates not open to the public.

3. This act shall not be construed as preventing railroad companies from giving free transportation or reduced rates therefor to bona fide immigration agents actually engaged for more than one-half of their time each year in the business of inducing immigration into the State of Wisconsin to settle upon unimproved lands within the State. No transportation hereunder shall be delivered to or used by any such immigration agent until the railroad commission upon application of such immigration agent and after such investigation as it may deem necessary shall have determined that such applicant is a bona fide immigration agent within the letter and spirit of this provision, and shall have issued to such applicant a certificate to that effect. On or before the 10th day of each month every immigration agent holding a certificate hereunder shall report to the commission the miles traveled upon the railroads of the State under the provisions hereof during the preceding calendar month.

4. Upon any shipment of live stock or other property of such nature as to require the care of an attendant, the railroad may furnish to the shipper, or some person or persons designated by him, free transportation for such attendant, including return passage to the point at which the shipment originated: *Provided*, There shall be no discrimination in reference thereto between such shippers, and the commission shall have power to prescribe regulations in relation thereto.

5. Except as provided in this section, no free transportation for intrastate traffic shall be given to any person by any railroad.

SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved, May 12, 1909.

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II.

[Laws of Wisconsin, 1909, ch. 444, p. 542.]

AN ACT To amend sections 237*h*, 237*i*, and 237*j* of the statutes, relating to the state board of immigration.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Sections 237*h*, 237*i*, and 237*j* of the statutes are amended to read:

SEC. 237*h*. The secretary of state, * * * the dean of the college of agriculture, and the president of the state board of agriculture shall constitute a state board of immigration to serve without compensation. The secretary of state shall be ex officio chairman of said board. In the event of a vacancy in said board the remaining two members shall constitute the board.

SEC. 237*i*. The state board of immigration shall appoint a qualified elector of this State to be secretary of said board, and such secretary shall be officially known and styled commissioner of immigration. The said commissioner of immigration shall hold office during the pleasure of said board and shall receive a salary of eighteen hundred dollars per annum and necessary traveling expenses, and shall perform such functions as said board shall designate. The said commissioner of immigration shall be provided with an office and suitable furniture and stationery at the expense of the State. Before entering upon the duties of his office the said commissioner shall make and subscribe an oath of office in the usual form. The said board of immigration shall secure the services of not to exceed one stenographer for the use of said commissioner, the compensation for said stenographic work to be fixed and determined by said board.

SEC. 237*j*. It shall be the duty of the state board of immigration to cause to be collected and printed, in such form as may be best calculated to attract to the State desirable immigrants seeking homes and capital seeking profitable investment, information relating to the advantages and opportunities offered by this State to the farmer, the merchant, the manufacturer, the home seeker, and the summer visitor. The publications of said board shall be made in the form of circulars, folders, and pamphlets, with or without maps or illustrations, and shall contain in succinct language easily comprehended by the general public statements relating to the soil, climate, water, products, markets, transportation facilities, summer resorts, location of undeveloped lands, and the relative value and cost of these lands compared with those of other localities. The board may in its discretion determine whether one or more or all such subjects shall be included in each of the circulars, folders, and pamphlets printed by authority of this act. The board may in its discretion cause to be translated and printed in such foreign language or languages as may be selected any or all of the circulars, folders, and pamphlets provided for in this section. For the purpose of securing a more complete distribution of the above-mentioned literature, the said board of immigration may cause to be inserted in newspapers, magazines, and farm papers appropriate notices, maintain permanent exhibits in populous centers, and make exhibits at public fairs, but the total expense of such notices and exhibits shall not exceed ten per cent of the total funds available for the maintenance of the said board.

SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved, June 15, 1909.

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WYOMING.

DIGEST OF IMMIGRATION AND ALIEN LAWS.

Act of 1873 (an act to establish a board of immigration, and for other purposes).—By the act of 1873 a board of immigration was established in the Territory of Wyoming. The governor shall appoint a commissioner of immigration who, with the governor and the president of the board of county commissioners of each county, shall constitute a board of immigration. The commissioner shall be secretary of the board, and a president shall be elected from its members.

It shall be the duty of the commissioner to prepare, publish, and circulate reliable data pertaining to the resources and advantages of Wyoming. Such data shall indicate the location of profitable resources, describe opportunities for investment, estimate profits in industries, and discuss advantages for the home seeker. He shall furnish data to persons in this country and Europe engaged in organizing colonies or inducing immigrants to settle in the West. He shall arrange low rates of transportation and devise all lawful and feasible means to increase the population and wealth of the Territory and to develop its resources. He shall prepare a suitable exhibit for the Philadelphia exposition of 1876. He shall make biennial reports to the legislature. He shall encourage county immigration societies to organize and cooperate with the state board. He shall give bond for $5,000, serve a term of two years, and receive an annual salary of $1,000.

Each board of county commissioners may appoint a corresponding secretary to aid the state board in collecting data. The presidents of boards of county commissioners shall receive $5 for each day of service to board of immigration.

Act of 1888 (an act providing for the encouragement of immigration to the Territory of Wyoming and for other purposes).—By the act of 1888 the secretary of the Territory was authorized to devise appropriate means of promoting immigration to Wyoming and of encouraging the permanent settlement and improvement of all sections of the Territory. He shall prepare, publish, and distribute data relating to the development of agricultural, manufacturing, commercial, stock, and mining interests. He may cooperate with transportation companies to exhibit the resources and products of Wyoming at any fairs and expositions in the United States. He shall be official statistician, and obtain and collate statistics concerning all phases of the growth of the Territory by counties. He shall make a biennial report to the governor. He shall have power to employ clerical assistance at expense not in excess of $500. He shall have funds available to the amount of $2,500 for general expenses, and at the discretion of boards of county commissioners a secretary for each county may be appointed to secure data for his county.

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Act of 1907 (an act creating a department of immigration).—The act of 1907 created a department of immigration composed of the commissioner of public lands, the state geologist, and the state engineer. It shall be its duty to collect, compile, and distribute reliable information in regard to the resources of the State; to employ advertising agents, and otherwise exploit the possibilities of Wyoming. It shall have power to require other public officers to cooperate in collecting official data.

IMMIGRATION AND ALIEN LAWS.

ACT OF 1873.

[Wyoming Laws, 1873, ch. 45, p. 198.]

AN ACT To establish a board of immigration, and for other purposes.

Be it enacted by the council and house of representatives of the Territory of Wyoming:

SECTION 1. That the governor be, and is hereby, authorized to appoint, by and with the consent of the council, a commissioner of immigration, who, together with the governor and the president of the board of county commissioners of each county, shall constitute a board of immigration, any four of whom shall constitute a quorum to transact business.

SEC. 2. That said board of immigration shall meet on the first Monday of October of each year, at the office of the commissioner of immigration, or elsewhere, as called by the governor, to make rules and regulations for the government of the commissioners of immigration, and to do all other acts which they deem best to promote the object of this act: *Provided*, That the first meeting of said board of immigration shall be called by the governor, to meet at the capital or some other town or city of the Territory, on or before the first Monday of February, 1874: *And provided further*, That the commissioner of immigration shall be secretary of said board of immigration and the members of said board shall elect one of their number president of said board, and who shall preside at all meetings of the board, and who shall be authorized to call special meetings of the board when the interests of the Territory shall demand it: *Provided further*, That said board of immigration shall not under any consideration involve the Territory in any indebtedness or expense in amount exceeding the sum appropriated by this act.

SEC. 3. That the commissioner of immigration shall devote at least one-half of his time to the duties of his office. He shall, as secretary of said board of immigration, keep a record of all the proceedings of such board. He shall keep a book or books, in which shall be entered all moneys expended and for what purposes expended. He shall, for the purpose of encouraging and directing immigration to the Territory, from time to time, under the direction of said board, publish and disseminate such useful information as he can obtain concerning the developed and undeveloped resources of the Territory, and in pamphlets or circulars for distribution he shall set forth the opportunities for agriculture and grazing in the Territory and the estimated profits of such branches of business, the

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situation of the iron and coal lands, the opportunities for coal mining, and the manufacturing of iron, and he shall call attention to the regions in which oil has been discovered, and the sections of the Territory where the precious metals have been discovered, and to what extent they are mined, and with what profit; and he shall give such other information as shall tend to promote the objects of this act. He shall correspond with all persons seeking information concerning the Territory with persons organizing colonies to settle in the West, and with persons engaged in Europe in inducing immigration to the United States, with a view to induce settlements within the Territory. He shall make arrangements with railroad, packet, and stage companies to obtain a low rate of fares for those desiring to settle within the Territory, and do all other acts not inconsistent with this act which may tend to increase the population and wealth of the Territory and develop the resources of the Territory. That the commissioner of immigration shall solicit contributions of specimens of minerals, ores, fossils, petrifactions, and other curiosities found within the Territory for the centennial exhibition to be held in the city of Philadelphia during the year 1876, and the said commissioner shall preserve all articles so contributed, in his office, until needed for such exhibition, and such other acts as may be directed by said board of immigration not inconsistent with this act.

SEC. 4. The commissioner of immigration shall collect and compile for publication in a biennial report to the legislature in such form as the board of immigration shall judge best and necessary to aid the objects of the board all statistics and facts relating to the character and resources of the Territory, the amount of money received and expended, and an abstract of the proceedings of the said board for the preceding two years, and all other information which may be of interest to the Territory and calculated to subserve the designs of this act.

SEC. 5. The board of county commissioners of each county may appoint a corresponding secretary when they deem it to the interest of their county whose duty it shall be to inform the commissioner of immigration as to the resources of his county: *Provided*, The compensation of such a secretary shall not exceed fifty dollars per annum, which shall be paid out of the county treasury on order of the board of county commissioners.

SEC. 6. That the said board of immigration shall, as much as possible, encourage and try to effect the organization of county immigration societies to cooperate with the board in aid of immigration.

SEC. 7. That the said commissioner of immigration shall hold his office for a term of two years: *Provided*, That the commissioner of immigration who shall be appointed during this session of the legislative assembly shall enter upon his duties on the 1st day of January, A. D. 1874, and his term of office shall expire on the first Monday of November, 1875, or as soon thereafter as his successor is duly appointed and qualified: *Provided further*, That the commissioner of immigration shall before entering upon the duties of his office take the oath required of territorial officers, and shall execute a bond to the Territory in the penal sum of five thousand dollars, conditioned to

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faithfully perform the duties required by his appointments and this act, which said bond shall be approved by one of the judges of the supreme court and filed with the territorial treasurer.

SEC. 8. The presidents of the boards of county commissioners shall receive for their services the sum of five dollars per day for each day actually engaged in meetings of the board of immigration and all moneys actually and necessarily expended to and from such meetings.

SEC. 9. The commissioner of immigration shall receive a salary of one thousand dollars per annum which shall be paid quarterly out of the territorial treasury.

SEC. 10. That the sum of two thousand dollars be, and the same is hereby, appropriated out of any moneys not otherwise appropriated for the purpose of paying the salary of the commissioner of immigration for the term of two years, and that the sum of two thousand dollars be, and the same is hereby, appropriated out any moneys not otherwise appropriated for defraying the expenses incidental to the operations of said board: *Provided*, That said board shall not expend exceeding one-half of said appropriation during the first year. That the auditor of the treasury is hereby directed to draw his warrant or warrants on the territorial treasury to pay the vouchers which may be certified as correct by said board of immigration, which warrants shall be marked "immigration fund:" *Provided*, That the amount of such warrants shall not exceed in any one year the amount specified by this section of this act.

SEC. 11. This act shall take effect on and after its passage.

Approved, December 9, 1873.

ACT OF 1888.

[Wyoming Laws, 1888, ch. 34, p. 72.]

AN ACT Providing for the encouragement of immigration to the Territory of Wyoming, and for other purposes.

Be it enacted by the council and house of representatives of the Territory of Wyoming:

SECTION 1. The secretary of the Territory is hereby authorized to devise appropriate means of promoting immigration to Wyoming, and of encouraging the permanent settlement and improvement of all sections of the Territory. He shall be authorized to prepare, publish, and distribute all such useful information as is designed to convey correct and full information on all matters pertaining to the growth and development of agricultural, manufacturing, commercial, stock and mining interests of the Territory. All correspondence relating to immigration shall be conducted under the supervision of the secretary, and he shall be authorized by the issue of published pamphlets, and other printed matter, to secure a liberal and extensive advertisement of the resources and prospective development of Wyoming; and he shall be further authorized to adopt such appropriate measures as in his judgment will tend to increase the population and wealth of the Territory, and to develop its resources.

SEC. 2. The secretary, or some suitable person under his direction, shall have charge of any exhibit of the products and resources of

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Wyoming which may be made to any fair or exhibition held at any point in the United States; and the secretary shall have authority to cooperate with any railroad company or companies doing business in the Territory, and with any other parties interested, with the view of securing such exhibit at any fair or exposition held as aforesaid.

SEC. 3. The secretary of the Territory shall be the territorial statistician, and he shall be authorized to obtain from county officers and otherwise, to collate and prepare in tabulated form for reference, suitable statistics showing the county and other municipal indebtedness, and assessed value of real and personal property, the acreage in wheat, oats, alfalfa, and other agricultural products, the number of cattle, horses, and other live stock, and the population, vital statistics, and all other information pertaining to and showing the general growth and development of the Territory by counties.

SEC. 4. The board of county commissioners of each county may appoint a corresponding secretary when they deem it advisable, whose duty it shall be to inform the secretary of the Territory as to the resources and development of his county: *Provided*, That the compensation of such secretary shall not exceed fifty dollars per annum, which shall be paid out of the county treasury on the order of the board of the county commissioners.

SEC. 5. The secretary shall make a biennial report to the governor at least sixty days before the regular session of each legislative assembly, showing what has been done and accomplished by him under the provisions of this act.

SEC. 6. The secretary shall be authorized to employ such clerical force as may be necessary to assist him in carrying into effect the provisions of this act: *Provided, however*, That the expense of clerk hire shall not exceed the sum of five hundred dollars per annum.

SEC. 7. That the sum of two thousand five hundred dollars, or so much thereof as shall be necessary, be, and the same is hereby, appropriated out of any funds in the territorial treasury not otherwise appropriated, for the purpose of paying all expenses incurred under the provisions of this act during the two fiscal years ending March 31, 1890.

SEC. 8. The moneys appropriated in the last section shall only be paid out upon warrants duly issued pursuant to law; and all accounts presented to the auditor for expenses incurred under the provisions of this act shall have the approval of the secretary of the Territory endorsed thereon before the same are allowed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved, March 5, 1888.

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ACT OF 1907.

[Session Laws of Wyoming, 1907, House bill No. 158, ch. 75, p. 125.]

AN ACT Creating a department of immigration, composed of the commissioner of public lands, the state geologist, and the state engineer of Wyoming, and defining its powers and duties.

Be it enacted by the legislature of the State of Wyoming:

SECTION 1. There is hereby created a department of immigration, composed of the commissioner of public lands, the state geologist, and the state engineer, who shall have jurisdiction over all matters pertaining to the advertisement of Wyoming and the attraction of settlers and investors through the exploitation of the resources of the State. It is hereby made the duty of said department to collect, compile, and distribute reliable information in regard to the various resources of the State, to employ advertising agents, and carry out such works as shall demonstrate the agricultural and other possibilities of Wyoming.

SEC. 2. The department of immigration is hereby clothed with power to call upon state, county, and other officers for such information as may be desirable in compiling statistics and literature for distribution within or without the State, and it is hereby made the duty of all public officers to furnish the information requested.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, February 20, 1907.

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